

**MEMORANDUM**

**SUBJECT:** Request for Approval of Outside Activity

**FROM:** (b) (6), IEMB

**TO:** Frank T. Princiotta  
APPCD Deputy Ethics Official

**CC:** Bob Thompson  
IEMB Chief

As required by Title 5 Chapter IIV Part 6401.103, I am requesting your approval to participate in the outside activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

**1. Employee's name, title and grade**

(b) (6), Environmental Scientist, GS-14/6

**2. Nature of outside activity, including a full description of the services to be performed:**

I will participate in a UN-funded indoor environmental quality (IEQ) research project in China and serve as an invited international expert. The following services are to be performed under the agreement:

- Assist in developing test plans and monitoring plans under the scope of work, and make recommendations on technical approaches to emissions testing and field measurements;
- Give two oral presentations to the research team on current investigative methods for IEQ and future directions. Each presentation is for one and a half hours long;
- Assist in data processing and analysis;
- Assist in preparation of the final report in both Chinese and English;
- Make specific recommendations for improving the IEQ in Guiyang City;
- Assist in supervising graduate students in the research team; and
- Provide the project manager with a progress report after completion of each mission.

3. **The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):**

Project sponsor: The United Nations Development Programme (UNDP).

Study site: Guiyang, China.

Project manager: China International Center for Economic and Technic Exchanges, Beijing, China.

Technical lead: Peking University College of Environmental Sciences, Beijing, China.

Participants: Guiyang Environmental Monitoring Station and Guiyang Environmental Protection Bureau.

Project objectives: Assessing the current indoor air quality status in public and residential buildings, identifying major indoor air quality problems, and developing measures to protect the public from indoor air pollution.

4. **The estimated time to be devoted to the activity: (Please indicate exact dates if known)**

First trip: August 24-September 23, 2004

Second trip: About 30 days in early 2005

5. **Whether the service will be performed entirely outside of normal duty house (if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71):**

A total of 186 hours of absence is needed for the first trip. The approved leave form is attached. Roughly equal amount of hours is needed from the second trip next year.

**Identification of assistance agreements or contracts held by the person to or for whom services will be provided:**

China International Center for Economic and Technical Exchanges, 18 Bei San Huan Zhong Lu, Beijing 100011, China. Contact person: (b) (6), (b) (6)

### **Employee Certification**

I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter. I further certify that I will not use or permit the use of my official title or

position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the Agency or the US. I also certify that if there is a change in the scope of the duties or services performed or the nature of this activity, I will submit a revised request for approval.

(b) (6)

Employee's Signature

8/16/04  
Date

**Deputy Ethics Official Approval**

Approval

Frank T. Prunella

Date

8/16/04

Disapproval

\_\_\_\_\_

Date

\_\_\_\_\_

Attachments: Approved SF-71  
Invitation letter  
Service agreement



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL RISK MANAGEMENT RESEARCH LABORATORY  
OFFICE OF RESEARCH AND DEVELOPMENT  
RESEARCH TRIANGLE PARK, NC 27711  
(919) 541-4121

July 2, 2009

**MEMORANDUM**

**SUBJECT:** Request for Approval to Engage in Outside Activity

**FROM:** (b) (6), Environmental Scientist

**TO:** Frank T. Princiotta, Deputy Ethics Official for APPCD

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and SS 6401.102.

1) Employee's name, title and grade:

(b) (6), Environmental Scientist, GS-14

2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected:

The proposed outside activity is to serve as a Director on the Board of the local Chapter of the Air and Waste Management Association. The duties of Director are to help plan activities of the local chapter and assist the Chair in his administrative duties. This position is voluntary and thus no compensation is expected.

3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):

(b) (6) Chapter, South Atlantic States Section of the Air and Waste Management Association.

4) The estimated time to be devoted to the activity; (Please indicate exact dates if known):

Approximately 2 hrs/month

5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71):

My duties as Director will be performed outside of normal duty hours.

6) The basis for compensation (e.g., fee, per diem, per annum, etc.):

No compensation is expected.

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided:

This organization does not have any assistance agreements or contracts with EPA.

#### EMPLOYEE CERTIFICATION

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and § 6401.102;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity.

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

For teaching, speaking or writing, also include the following certifications:

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and not because of my official position.

g) I certify that the invitation to engage in this activity or the offer of compensation was not extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

(b) (6)

[Redacted signature area]

Employee's signature

7/2/09

Date

*[Handwritten signature]* 7-7-09

DEPUTY ETHICS OFFICIAL APPROVAL

APPROVAL

*[Handwritten signature]*

7-8-09

Date

DISAPPROVAL

\_\_\_\_\_

Date

*Richard*  
5-7-12

May 7, 2012

MEMORANDUM

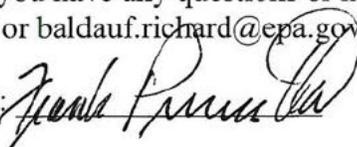
SUBJECT: Request for Approval to participate on TRB ADD40 Committee

FROM: (b) (6)  
EPA/ORD/NRMRL/APPCD/ECPB

TO: Frank Princiotta, DEO  
EPA/ORD/NRMRL/APPCD

I am requesting approval to accept the offer to serve on the Transportation Research Board's (TRB) Committee on Transportation and Sustainability, ADD40. As noted in the appointment letter, TRB is a division of the National Research Council (NRC), a private, nonprofit institution that provides expertise in science and technology to the government, the public, and the scientific and engineering communities. The NRC is jointly administered by the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine. Members of NRC technical committees serve as individuals, not as representatives of the organizations by which they are employed or of which they may be members. Other personnel in ORD have, or currently do, serve on other TRB committees. In addition, membership on this committee will enhance my ability to serve as the Program Area Lead for Transportation in ORD's Sustainable and Health Communities Research Program.

If you have any questions or need further information, please contact me at 919-541-4386 or [baldauf.richard@epa.gov](mailto:baldauf.richard@epa.gov).

Approved: 

Date: 5/7/2012

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

DATE: JAN 7 2003

SUBJECT: Request for Approval of Outside Activity - (b) (6)

FROM: Mitchell S. Cohen  
Associate Regional Counsel

Approved  
E. Schaf  
1/7/03

TO: Eric Schaaf  
Acting Regional Counsel - Deputy Ethics Official (ORC)

I have reviewed (b) (6) request for formal approval of his outside activity. (b) (6) is seeking approval to engage in outside legal practice on behalf of three clients in what are commercial matters (e.g., contract matters and bill collection issues) unrelated to any EPA activity. He will receive fees for this work, which will be performed entirely on his own time. As this work obviously entails practice of a profession, formal approval to engage in it is required by the Agency's supplemental regulation on outside employment at 5 C.F.R. §6401.103(a). Upon reviewing this request, I have also referred to the OGE regulations on misuse of position and outside activities in Subparts G and H, respectively, in 5 C.F.R. Part 2635.

Since the subject matter of (b) (6) services do not involve any matters related to EPA programs, policies or operations, the usual caveats concerning appearance of impartiality need not be discussed in connection with review of this request. There appears to be no conflict between these legal services and his official ORC duties. There is, of course, the usual reminder concerning the need to avoid using Agency resources, time and equipment in connection with this outside employment. Assuming adherence to the above-mentioned standards of conduct, I recommend approval of (b) (6)'s request. A copy of this memo, once approved, should be given to him.

Part time  
law practice  
outside  
approval?  
needed  
463-

REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY		<input checked="" type="checkbox"/> INITIAL REQUEST <input type="checkbox"/> REVISED REQUEST <input type="checkbox"/> RENEWAL	
1. NAME (Last, First, Initial) (b) (6)		2. DIVISION/BRANCH ORC-NYCSFR	
3. POSITION TITLE GENERAL ATTORNEY		4. GRADE AND SALARY GS 14-5	
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SERVICES WILL BE PERFORMED SEE ATTACHED SHEET		6. LOCATION WHERE SERVICES WILL BE PERFORMED EMPLOYEE'S RESIDENCE 1/02-10/02 (b) (6) 10/02-12/03	
7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.) FOR (b) (6) AND (b) (6): GENERAL BUSINESS LEGAL COUNSELING (CONTRACT MATTERS, BILL COLLECTION) FOR (b) (6): ONE N.Y. SURROGATE'S COURT MATTER THIS WORK IS PERFORMED ON MY COMMUTE, MY COMPRESSED DAY OFF OR ON WEEKENDS.			
8. ESTIMATED TIME INVOLVED APPROX. 3 HOURS PER WEEK (AVG.)		WEEKENDS.	
a. PERIOD COVERED FROM JAN. 2002 TO DEC. 2003		b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (If on a continuing basis, give estimated time per year) 60 HOURS/YEAR	
c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK _____			
9. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)			
10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOUR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)			
11. METHOD OR BASIS OF COMPENSATION <input checked="" type="checkbox"/> FEE <input type="checkbox"/> HONORARIUM <input checked="" type="checkbox"/> OTHER (Specify) <input type="checkbox"/> PER DIEM <input type="checkbox"/> PER ANNUM <input type="checkbox"/> ROYALTY <input type="checkbox"/> EXPENSES		12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)	
13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED IN 5 CFR PART 2635 AND § 6401.102.			
14. SIGNATURE OF EMPLOYEE (b) (6)		15. DATE 1/2/03	16. ADDITIONAL INFORMATION ATTACHED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
17. DIVISION DIRECTOR APPROVAL			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <i>[Signature]</i>	c. TITLE <i>[Title]</i>	d. DATE 1/2/03
18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL)			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.			

EPA REGION 2 FORM R 3120-1 (revised 10/96)

**INSTRUCTIONS**

Item 5 - Self-Employment: If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.

Item 10 - Federal Grants or Contracts Involved: Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.

Item 16 - Attachments: Be sure to sign copies of all attachments submitted.

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ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL

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ITEM 21 - REASON FOR DISAPPROVAL

REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY  
(continuation sheet)

Item 5. Name, address, and business of person or organization for whom outside services will be performed

1. (b) (6) (b) (6)  
(home improvement contractor)

2. (b) (6) (b) (6)  
(heavy construction contractor)

3. (b) (6)

by: Carl B. Garvey  
dated: 1/2/03

NB: All legal work I perform for the above-listed clients is done by me individually, not in conjunction with any other attorneys.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

DATE: AUG 27 2003

SUBJECT: Request for Approval of Outside Activity - (b) (6)

FROM: Mitchell S. Cohen *Mitch*  
Associate Regional Counsel

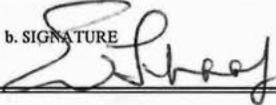
TO: Eric Schaaf  
Deputy Regional Counsel - Deputy Ethics Official (ORC)

I have reviewed (b) (6)'s request for formal approval of his proposed outside employment. He is seeking approval to teach a course of his own design on American environmental law at the University of (b) (6) Japan. He will receive no compensation for this teaching engagement, which will take place on October 22, 2003. As this work arguably entails practice of a profession, formal approval to engage in it is required by the Agency's supplemental regulation on outside employment at 5 C.F.R. §6401.103(a). Upon reviewing this request, I have also referred to the OGE regulations on misuse of position and outside activities in Subparts G and H, respectively, in 5 C.F.R. Part 2635.

As (b) (6) is to receive no compensation (including travel) for this teaching engagement, the OGE regulatory prohibition of 5 C.F.R. §2635.807 on compensated speaking, teaching or writing on matters related to official business is clearly irrelevant. There appears to be no conflict between this proposed outside employment activity and his official ORC duties. There is, of course, the usual reminder concerning the need to avoid using Agency resources, time and equipment in connection with this outside employment. Furthermore, he is reminded that he is not to convey that any of the views expressed during his lecture necessarily represent the views of the EPA. I have spoken with (b) (6) previously concerning the appropriate wording of any biographical information to be disseminated by the University in connection with this engagement. Assuming adherence to the above-mentioned standards of conduct, I recommend approval of (b) (6)' request. A copy of this memo, once approved, should be given to him and the approved request form should be placed in his confidential financial disclosure file.

Approved: *E. Schaaf* 9/1/03

<b>REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY</b>		<input checked="" type="checkbox"/> INITIAL REQUEST <input type="checkbox"/> REVISED REQUEST <input type="checkbox"/> RENEWAL
1. NAME (Last, First, Initial) (b) [REDACTED]	2. DIVISION/BRANCH ORC/AB	
3. POSITION TITLE (6) Attorney	4. GRADE AND SALARY GS 13-7 / \$185,874	
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SERVICES WILL BE PERFORMED University of (b) (6) [REDACTED]	6. LOCATION WHERE SERVICES WILL BE PERFORMED University of [REDACTED] (b) [REDACTED]	
7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.) On October 22, 2003 I will teach a course, which I designed, on United States' environmental law.		
8. ESTIMATED TIME INVOLVED 3 1/2 hours		
a. PERIOD COVERED FROM 10/22/03 TO 10/24/03	b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (If on a continuing basis, give estimated time per year) 100 hours	
c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK _____		
9. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)		
10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOUR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? N/A <input type="checkbox"/> NO <input type="checkbox"/> YES (Describe)		
11. METHOD OR BASIS OF COMPENSATION <input type="checkbox"/> FEE <input type="checkbox"/> HONORARIUM <input type="checkbox"/> OTHER (Specify) <input type="checkbox"/> PER DIEM <input type="checkbox"/> PER ANNUM NO <input type="checkbox"/> ROYALTY <input type="checkbox"/> EXPENSES COMPENSATION	12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? N/A <input type="checkbox"/> NO <input type="checkbox"/> YES (Describe)	
13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED IN 5 CFR PART 2635 AND § 6401.102. (b) (6) [REDACTED]		
14. SIGNATURE [REDACTED]	15. DATE 8/25/03	16. ADDITIONAL INFORMATION ATTACHED

			[ ] YES [ ] NO
17. DIVISION DIRECTOR APPROVAL			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL)			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE 	c. TITLE Deputy Regional Counsel	d. DATE 8/27/03
APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.			

EPA REGION 2 FORM R 3120-1 (revised 10/96)

<b>INSTRUCTIONS</b>
<p>Item 5 - Self-Employment: If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.</p> <p>Item 10 - Federal Grants or Contracts Involved: Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.</p> <p>Item 16 - Attachments: Be sure to sign copies of all attachments submitted.</p> <hr/> <p>ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL</p>

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

DATE: APR 3 2003

SUBJECT: Request for Approval of Outside Activity - (b) (6)

FROM: Mitchell S. Cohen  
Associate Regional Counsel - Deputy Ethics Official

TO: Eric Schaaf  
Deputy Regional Counsel - Special Deputy Ethics Official (ORC)

I have reviewed a request for approval of outside activity submitted by (b) (6). (b) (6) seeks approval to engage in outside employment as an adjunct lecturer in the (b) (6) University's School of Law. This elective course, the subject matter of which is the protection of cultural resources, constitutes part of the Law School's J.D. program. As teaching a course as part of a law school's degree program is considered to be "professional practice" according to the OGE regulations, formal approval is required by the Agency's supplemental regulation on outside employment at 5 C.F.R. §6401.103(a). He will be compensated by the University for this teaching assignment.

Notwithstanding the OGE's general prohibition on teaching, speaking or writing for compensation on subject matter that bears some relation to official duties, compensated teaching is permitted when the course is part of an accredited university's established curriculum, as (b) (6)'s course is. 5 C.F.R. §2635.807(a) (3). The request, therefore, presents no problem insofar as approval is concerned. I recommend approval.

Approved: *E. Schaaf* 4/8/03

<b>REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY</b>		<input checked="" type="checkbox"/> INITIAL REQUEST <input type="checkbox"/> REVISED REQUEST <input type="checkbox"/> RENEWAL	
1. NAME (Last, First, Initial) (b) (6)		2. DIVISION/BRANCH ORC- WTSB	
3. POSITION TITLE Assistant Regional Counsel		4. GRADE AND SALARY GS 147	
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SERVICES WILL BE PERFORMED (b) (6) Law School		6. LOCATION WHERE SERVICES WILL BE PERFORMED (b) (6) N.J.	
7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.) Teaching. I will be teaching a course on the protection of cultural resources on Tuesdays + Thursdays from 6:00 p.m. until 8:00 p.m. during the summer school session.			
8. ESTIMATED TIME INVOLVED 4 hours per week teaching			
a. PERIOD COVERED FROM 6/3/03 TO 7/17/03		b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (If on a continuing basis, give estimated time per year) Approximately 25 hours of teaching	
c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK _____			
9. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)			
10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOUR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)			
11. METHOD OR BASIS OF COMPENSATION <input checked="" type="checkbox"/> FEE (Specify) <input type="checkbox"/> HONORARIUM <input type="checkbox"/> OTHER <input type="checkbox"/> PER DIEM <input type="checkbox"/> PER ANNUM <input type="checkbox"/> ROYALTY <input type="checkbox"/> EXPENSES		12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)	
13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED IN 5 CFR PART 2635 AND § 6401.102.			
14. SIGNATURE OF EMPLOYEE (b) (6)		15. DATE 4/3/03	16. ADDITIONAL INFORMATION ATTACHED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
17. DIVISION DIRECTOR APPROVAL			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL)			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE [Signature]	c. TITLE Deputy ec	d. DATE 4/4/03
19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.			

## INSTRUCTIONS

**Item 5 - Self-Employment:** If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.

**Item 10 - Federal Grants or Contracts Involved:** Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.

**Item 16 - Attachments:** Be sure to sign copies of all attachments submitted.

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ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL

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ITEM 21 - REASON FOR DISAPPROVAL

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

DATE: APR \_ 3 2003

(b) (6)

SUBJECT: Request for Approval of Outside Activity - (b) (6)

FROM: Mitchell S. Cohen *Mitch*  
Associate Regional Counsel - Deputy Ethics Official

TO: Eric Schaaf  
Deputy Regional Counsel - Special Deputy Ethics Official (ORC)

I have reviewed a request for approval of outside activity submitted by (b) (6). (b) (6) seeks approval to engage in outside employment as an adjunct lecturer in the (b) (6) University's School of Law. This elective course, the subject matter of which is the protection of cultural resources, constitutes part of the Law School's J.D. program. As teaching a course as part of a law school's degree program is considered to be "professional practice" according to the OGE regulations, formal approval is required by the Agency's supplemental regulation on outside employment at 5 C.F.R. §6401.103(a). He will be compensated by the University for this teaching assignment.

Notwithstanding the OGE's general prohibition on teaching, speaking or writing for compensation on subject matter that bears some relation to official duties, compensated teaching is permitted when the course is part of an accredited university's established curriculum, as (b) (6)'s course is. 5 C.F.R. §2635.807(a)(3). The request, therefore, presents no problem insofar as approval is concerned. I recommend approval.

Approved: *E. Schaaf 4/8/03*

REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY		<input checked="" type="checkbox"/> INITIAL REQUEST <input type="checkbox"/> REVISED REQUEST <input type="checkbox"/> RENEWAL	
1. NAME (Last, First, Initial) (b) (6)		2. DIVISION/BRANCH ORC- WTSB	
3. POSITION TITLE Assistant Regional Counsel		4. GRADE AND SALARY GS 14-7	
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SERVICES WILL BE PERFORMED (b) (6) Law School		6. LOCATION WHERE SERVICES WILL BE PERFORMED (b) (6) N.J.	
7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.) Teaching. I will be teaching a course on the protection of cultural resources on Tuesdays + Thursdays from 6:00 p.m. until 8:00 p.m. during the Summer school session.			
8. ESTIMATED TIME INVOLVED 4 hours per week teaching			
a. PERIOD COVERED FROM 6/3/03 TO 7/17/03		b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (If on a continuing basis, give estimated time per year) approximately 28 hours of teaching	
c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS? <input checked="" type="checkbox"/> YES [ ] NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK _____			
9. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY? <input checked="" type="checkbox"/> NO [ ] YES (Describe)			
10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOUR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? <input checked="" type="checkbox"/> NO [ ] YES (Describe)			
11. METHOD OR BASIS OF COMPENSATION <input checked="" type="checkbox"/> FEE [ ] HONORARIUM [ ] OTHER (Specify) [ ] PER DIEM [ ] PER ANNUM [ ] ROYALTY [ ] EXPENSES		12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input checked="" type="checkbox"/> NO [ ] YES (Describe)	
13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED IN 5 CFR PART 2635 AND § 6401.102.			
14. SIGNATURE OF EMPLOYEE (b) (6)		15. DATE 4/3/03	16. ADDITIONAL INFORMATION ATTACHED [ ] YES <input checked="" type="checkbox"/> NO
17. DIVISION DIRECTOR APPROVAL			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL)			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <i>[Signature]</i>	c. TITLE Deputy ec	d. DATE 4/4/03
19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.			

## INSTRUCTIONS

**Item 5 - Self-Employment:** If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.

**Item 10 - Federal Grants or Contracts Involved:** Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.

**Item 16 - Attachments:** Be sure to sign copies of all attachments submitted.

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ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL

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ITEM 21 - REASON FOR DISAPPROVAL

(b) (6)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

DATE: APR 17 2006

SUBJECT: Request for Approval of Outside Activity - (b) (6)

FROM: Mitchell S. Cohen *Mitch*  
Associate Regional Counsel - Special Deputy Ethics Official

TO: Eric Schaaf  
Regional Counsel - Deputy Ethics Official (ORC)

I have reviewed a request for approval of outside activity submitted by (b) (6). Lee seeks approval to engage in outside employment as an adjunct lecturer in (b) (6) College's School of Public Affairs ("the School") commencing in June. This elective graduate course, the subject matter of which is intended to introduce students to the major features and debates in environmental policy, particularly in the metropolitan environment in the United States, constitutes part of the curriculum of the School's Master of Public Administration degree program. As the content of a course such as this arguably deals in significant part with EPA's policies, programs and/or operations, formal approval is required by the Agency's supplemental regulation on outside employment at 5 C.F.R. §6401.103(a). (b) (6) will be compensated by the University for this teaching assignment.

Notwithstanding the OGE's general prohibition on teaching, speaking or writing for compensation on subject matter that bears some relation to official duties, compensated teaching is permitted when the course is part of an accredited university's established curriculum, as (b) (6)'s course is. 5 C.F.R. §2635.807(a)(3). The request, therefore, presents no problem insofar as approval is concerned. I recommend approval.

*Approved* *[Signature]* for ES 5-12-06



17. DIVISION DIRECTOR APPROVAL

a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <i>[Signature]</i>	c. TITLE <i>RC</i>	d. DATE <i>4/28/06</i>
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18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL)

a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <i>[Signature]</i>	c. TITLE <i>RC</i>	d. DATE <i>4/28/06</i>
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19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)

a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <i>[Signature]</i>	c. TITLE <i>Acting RC</i>	d. DATE <i>5-7-06</i>
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APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.

EPA REGION 2 FORM R 3120-1 (revised 10/96)

**INSTRUCTIONS**

Item 5 - Self-Employment: If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.

Item 10 - Federal Grants or Contracts Involved: Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.

Item 16 - Attachments: Be sure to sign copies of all attachments submitted.

ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL

ITEM 21 - REASON FOR DISAPPROVAL



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF RESEARCH AND DEVELOPMENT  
NATIONAL RISK MANAGEMENT RESEARCH LABORATORY  
CINCINNATI, OHIO 45268

15 April 2008

**MEMORANDUM**

SUBJECT: Request Approval to Participate in Outside Employment/Activities

FROM: (b) (6)  
SEB/STD

THROUGH: Heriberto Cabezas  
SEB/STD

*Heriberto Cabezas* 04/15/08

Beverly McKenna  
Assistant Deputy Ethics Official

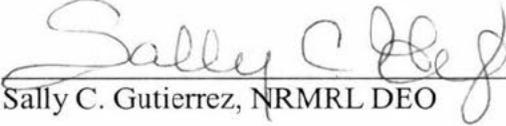
*Beverly McKenna* 04/15/2008

TO: Sally C. Gutierrez  
Deputy Ethics Official

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment or activity described below. I understand that this approval must be obtained in advance of engaging in the performance of this activity and is approved only as specified in the information given below or for a period of five years. I also understand that approval shall be granted in writing and only upon a determination that the outside employment or activity is not expected to involve conduct prohibited by statute or Federal regulation, including 5 C.F.R. Part 2635 and § 6401.102.

1. Employee's Name: (b) (6)  
Title and Grade: Economist GS-14
2. Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected. Member of the Board of Trustees of the (b) (6) Association for the Blind and Visually Impaired, with no compensation expected.
3. The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months). (b) (6) Association for the Blind and Visually Impaired, with 1200 clients served in the next 6 months.

4. The estimated time to be devoted to the activity is 4 hours quarterly.
5. Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required). Outside of normal duty hours.
6. Employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment or activity. No official duty time or Government property, resources or facilities not available to the general public will be used in connection with the outside employment or activity.
7. The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.). There is no compensation and no basis for compensation.
8. Employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102. I have read and am familiar with the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.
9. Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. There are no assistance agreements nor contracts held by me or the persons for whom the services will be provided.

Approved:  Date: 4/15/08  
Sally C. Gutierrez, NRMRL DEO

Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_  
Sally C. Gutierrez, NRMRL DEO

**MEMORANDUM**

SUBJECT: Request Approval to Participate in Outside Employment/Activities

FROM: (b) (6)  
Sustainable Environment Branch, STD

THROUGH: Thomas Holdsworth  
Assistant Division Director, STD

TO: Thomas Holdsworth  
Deputy Ethics Official

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment or activity described below. I understand that this approval must be obtained in advance of engaging in the performance of this activity and is approved only as specified in the information given below or for a period of five years. I also understand that approval shall be granted in writing and only upon a determination that the outside employment or activity is not expected to involve conduct prohibited by statute or Federal regulation, including 5 C.F.R. Part 2635 and § 6401.102.

1. Employee's Name: (b) (6)  
Title and Grade: Supervisory Economist, GS-15
2. As an Adjunct Faculty Member, I will be teaching Economics 3085, Environmental Economics, at the University of (b) (6) Main Campus. Activities will occur during spring semester (1/6/2014 – 4/26/2014) and will include lecturing, administering tests and grading coursework. Compensation will be (b) (6) per credit hour, or (b) (6) for the course.
3. The organization for which the work will be done is the University of (b) (6), Department of Economics. I will be reporting to the Department Chair, Dr. (b) (6), Department of Economics, University of (b) (6), (b) (6) College of Business, (b) (6), Phone: (b) (6)
4. The estimated time to be devoted to the activity will be 9 hours per week. In-class time will be 3 hours per week (MWF 9:05am – 10:00am)
5. The service will be performed entirely outside of normal duty hours.

6. I affirm that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment or activity.
7. The basis for compensation is per credit hour.
8. I affirm that I have read, and am familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.
9. There are no assistance agreements or contracts held by the person to or for whom services will be provided.

Approved:  Date: 12/11/2013  
Thomas Holdsworth, NRMRL DEO

Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_  
Thomas Holdsworth, NRMRL DEO



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF RESEARCH AND DEVELOPMENT  
NATIONAL RISK MANAGEMENT RESEARCH LABORATORY  
CINCINNATI, OHIO 45268

May 11, 2009

**MEMORANDUM**

SUBJECT: Request Approval to Participate in Outside Employment/Activities

FROM: [REDACTED] (b) (6)  
LSAS/IO [REDACTED]

VIA: Alan Weinrich, Acting Chief LSAS  
Branch/Division

Beverly McKenna  
Assistant Deputy Ethics Official

*Alan Weinrich*  
*Beverly A. McKenna 05/14/2009*

TO: Sally C. Gutierrez  
Deputy Ethics Official

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment or activity described below. I understand that this approval must be obtained in advance of engaging in the performance of this activity and is approved only as specified in the information given below or for a period of five years. I also understand that approval shall be granted in writing and only upon a determination that the outside employment or activity is not expected to involve conduct prohibited by statute or Federal regulation, including 5 C.F.R. Part 2635 and § 6401.102.

1. Employee's Name:

Stephen E. Musson  
Title and Grade: Industrial Hygienist, GS-0690-14-1

2. Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected:

Adjunct Instructor - Adult and Continuing Education Programs. Health and Safety topics to include Hazardous Materials Operations, OSHA 40 Hour HAZWOPER, OSHA 8 Hour HAZWOPER Refresher, Industrial Hygiene, DOT Hazardous Materials Transportation

Approximately (b) (6)

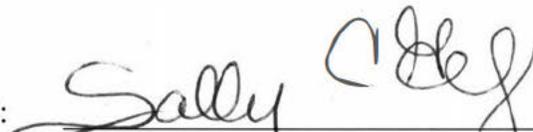
3. The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months).

Center for HAZMAT, Rescue & Safety

(b) (6) College

4. The estimated time to be devoted to the activity:  
4 hours per week.
5. The service will be performed entirely outside of normal duty hours
6. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment or activity.
7. The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.):  
\$(b) /hr instruction. \$(b) /hr technical material development
8. I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.
9. I know of no assistance agreements or contracts held by the person to or for whom services will be provided.

Approved:

  
Sally C. Gutierrez, NRMRL DEQ

Date:

5/15/09

Disapproved:

\_\_\_\_\_  
Sally C. Gutierrez, NRMRL DEQ

Date:

\_\_\_\_\_



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF RESEARCH AND DEVELOPMENT  
NATIONAL RISK MANAGEMENT RESEARCH LABORATORY  
CINCINNATI, OHIO 45268

April 9, 2008

**MEMORANDUM**

SUBJECT: Request Approval to Participate in Outside Employment/Activities

FROM:

(b) (6)

MCCB/WSWRD

THROUGH:

Mark Rodgers, Chief  
MCCB/WSWRD

Beverly McKenna  
Assistant Deputy Ethics Official

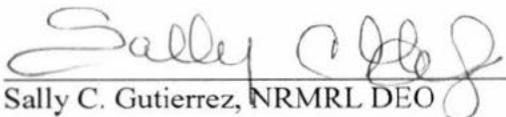
TO:

Sally C. Gutierrez  
Deputy Ethics Official

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment described below. I understand that this approval must be obtained in advance of engaging in the performance of this activity and is approved only as specified in the information given below or for a period of five years. I also understand that approval shall be granted in writing and only upon a determination that the outside employment or activity is not expected to involve conduct prohibited by statute or Federal regulation, including 5 C.F.R. Part 2635 and § 6401.102.

1. Employee's Name: (b) (6)  
Title and Grade: Physical Scientist, GS-13
2. I would be performing the task of Assistant Adjunct Professor for (b) (6) College in (b) (6) OH. This Adjunct position is to provide Introductory Biology classroom instruction to non-majors. I would receive \$(b) (6) as compensation for this undergraduate three credit course.
3. The name and business of the organization for which the work will be done is the University of (b) (6) College in (b) (6), OH. This is a two year community college associated with U.(

4. The estimated time to be devoted to the activity is zero hours during regularly scheduled work. All classroom instruction and preparation will be performed during the evening. The classes will meet twice a week for 1 hour and 15 minutes.
5. The service will be performed entirely outside of normal duty hours.
6. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment or activity.
7. The basis for compensation is a flat rate of \$(b) (6) (\$ (b) (6) per credit hour, it is three credit course)
8. I have read, and am familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.
9. I do not hold any assistance agreements or contracts held by the University of (b) (6) or (b) (6) College.

Approved:  Date: 4/15/08  
Sally C. Gutierrez, NRMRL DEO

Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_  
Sally C. Gutierrez, NRMRL DEO

**MEMORANDUM**

SUBJECT: Request Approval to Participate in Outside Employment/Activities

FROM: (b) (6) (b) (6)  
Immediate Office

THROUGH: Cynthia Kirchmer *Cynthia Kirchmer*  
Assistant Deputy Ethics Official

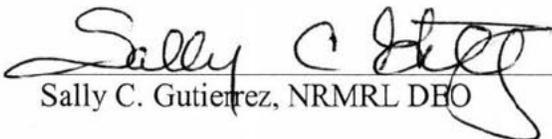
TO: Sally C. Gutierrez  
Deputy Ethics Official

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment or activity described below. I understand that this approval must be obtained in advance of engaging in the performance of this activity and is approved only as specified in the information given below or for a period of five years. I also understand that approval shall be granted in writing and only upon a determination that the outside employment or activity is not expected to involve conduct prohibited by statute or Federal regulation, including 5 C.F.R. Part 2635 and § 6401.102.

1. Employee's Name: (b) (6)  
Title and Grade: **Director, Environmental Technology Verification Program**
2. Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected. **Participate as board member of the (b) (6) Consortium for Environmental Education and Technology Development at (b) (6) University. There will be no compensation.**
3. The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months). **(b) (6) Consortium for Environmental Education and Technology Development at (b) (6) University**
4. The estimated time to be devoted to the activity. **16 hrs per year.**

*Posted  
6-16-07*

5. Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required). **Service to be provided during normal duty hours – 16 hrs per year required.**
6. Employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment or activity. **Government property or resources will not be used with exception of my work time and possibly a laptop computer.**
7. The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.). **No compensation will be received.**
8. Employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102. **I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and 6401.102.**
9. Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. **NRMRL does not have a direct contract with (b) (6); however (b) (6) is a subcontractor to (b) (6), Inc. EPA under contract no. EP-C-04-(b), Work assignment no. 2-03, (b) (6) Project no. (b) (6) for the Test and Evaluation Facility.**

Approved:  Date: 6/7/07  
Sally C. Gutierrez, NRMRL DEO

Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_  
Sally C. Gutierrez, NRMRL DEO

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

DATE: JUN 6 2006

SUBJECT: Request for Approval of Outside Activity - (b) (6)

FROM: Mitchell S. Cohen   
Associate Regional Counsel

TO:  
Eric Schaaf  
Regional Counsel

I have reviewed (b) (6)'s request for formal approval of her proposed outside employment. She is seeking approval to provide legal services to clientele of a nonprofit organization known as the (b) (6) Volunteer Lawyers' Project, the mission of which is to assist *pro se* litigants in the Housing Part of (b) (6)'s Civil Court. The volunteer attorneys involved in this project do not represent clients. (b) (6) will not be compensated for these services; she will, however, receive nine CLE credits for this work. As this work entails practice of a profession, formal approval to engage in it is required by the Agency's supplemental regulation on outside employment at 5 C.F.R. §6401.103(a). Upon reviewing this request, I have also referred to the OGE regulations on misuse of position and outside activities in Subparts G and H, respectively, in 5 C.F.R. Part 2635.

There appears to be no potential for conflict of interest between (b) (6)'s ORC duties and the legal services she will be providing on behalf of the Volunteer Lawyers' project. There is, of course, the usual reminder concerning the need to avoid using Agency resources, time and equipment in connection with this outside employment except as consistent with the Agency's policy on de minimis usage of such. Assuming adherence to the above-mentioned standards of conduct, I recommend approval of (b) (6)'s request. A copy of this memo, once approved, should be given to her and the approved request form should be placed in her confidential financial disclosure file.

Approved: 

**Region 2**



HUMAN RESOURCES > REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

Printer Friendly Page For...

**REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY**

REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY		<input checked="" type="checkbox"/> INITIAL REQUEST <input type="checkbox"/> REVISED REQUEST <input type="checkbox"/> RENEWAL
1. NAME (Last, First, Initial) (b) (6)	2. DIVISION/BRANCH ORC-NSSPB	
3. POSITION TITLE General Attorney	4. GRADE AND SALARY GS 14 Step 4	
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHICH OUTSIDE SERVICES WILL BE PERFORMED (b) (6) Civil Court Housing Court Volunteer Lawyers Project	6. LOCATION WHERE SERVICES WILL BE PERFORMED In any of the Housing Court's Resource Centers located in one of the 5 Boroughs.	
7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.) The Housing Court operates a Volunteer Lawyers Project designed to assist pro se litigants. Volunteer lawyers trained by the Project provide legal information and advice to business and tenants who do not have attorneys. Volunteer attorneys do not represent litigants in court proceedings or file papers on their behalf. I anticipate volunteering up to 8 hours per month on my scheduled flex days.		
8. ESTIMATED TIME INVOLVED 9 hrs of training, minimum 12 hrs per year		
a. PERIOD COVERED FROM June 2006 TO June 2008	b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (If on a continuing basis, give estimated time per year) up to 96 hrs per year	
c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK _____		
9. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)		
10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOUR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? <input type="checkbox"/> NO <input type="checkbox"/> YES (Describe) I don't know if they have or will seek a grant or contract from a federal agency.		
11. METHOD OR BASIS OF COMPENSATION No compensation other than fee <input type="checkbox"/> FEE <input type="checkbox"/> HONORARIUM (9) CLE credits in exchange for <input type="checkbox"/> OTHER (Specify) <input type="checkbox"/> PER DIEM <input type="checkbox"/> PER ANNUM 12 hours <input type="checkbox"/> ROYALTY <input type="checkbox"/> EXPENSES of pro bono service	12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input type="checkbox"/> NO <input type="checkbox"/> YES (Describe) N/A	
13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED		



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT  
 CINCINNATI, OHIO 45208

April 16, 2012

MEMORANDUM

SUBJECT: Outside Employment

FROM: (b) (6) [redacted] Information Systems Specialist GS-14

TO: Rick L. Carter, Deputy Ethics Official  
 Director OARM-Cincinnati

THRU: Darryl Jackson  
 Director IRMD (Acting)

This MEMO is to request approval of outside employment. I am currently the sole proprietor of a consulting company which provides various computer and network services for my clients. I manage day to day operations of the company, and execute all of the work needed by my clients. My compensation varies from (b) (6) to \$((b) (6)) per hour depending on the client, and the work to be performed. I devote approximately five hours per month to this business.

The business is named (b) (6) and I currently have one client, but that one client has approximately 40 subscribers to his service that periodically require assistance. All work is done outside of normal duty hours. I do not identify myself to any current or prospective clients as being associated to the EPA or the Federal Government in any way, and do not provide any assistance to companies seeking federal grants or contracts.

*RC*  
 This has been approved previously but time for an updated request. Recommend continual approval.  
 LWF  
 5/2/12

MEMORANDUM

SUBJECT: Request for Approval of Outside Employment

FROM: [FOIA Ex. 6]t

THRU: Tito Irizarry, Director, Program Operations and Coordination Division



TO: Deborah Y. Dietrich, Deputy Ethics Official  
Office of Emergency Management

DATE: November 12, 2009

I request approval of outside employment based on the following information (Note: the work to be performed is basically identical to that which I have performed for the past 15 years at [FOIA Ex. 6], VA and for which I have had previous approval from EPA):

1. [FOIA Ex. 6], Environmental Protection Specialist, GS-028, 13
2. I am changing the location of my weekend clinical practice from [FOIA Ex. 6] in [FOIA Ex. 6], VA to [FOIA Ex. 6] VA 20147, effective December 1, 2009. I will be providing clinical services for a variety of mental health disorders (e.g., mood disorders, anxiety disorders, bi-polar disorder, trauma, and marital difficulties) to individual adults and couples. My compensation will be based on a percentage of the amount collected by [FOIA Ex. 6] from the individual clients and insurance companies on which I am a panelist (e.g., estimated hourly fee -- [FOIA Ex. 6]).
3. I expect to see approximately eight clients per week on Saturdays.
4. My client hours are typically 9:00 AM-5:00 PM every Saturday. This is not anticipated to have any effect on my work in OEM, as all of my clinical work will be performed outside of EPA/OEM work hours.
5. No official duty time or Government property, resources, or facilities not available to the general public will be used
6. I am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and Section 6401.102.
7. My outside work will not involve consulting or professional services to institutions which have or may seek Federal assistance agreements or contracts. Nor will it involve preparing grant applications, contract proposals or program reports.



Oct 27 08 08:29a

P. 2

MEMORANDUM

September 18<sup>th</sup>, 2008

SUBJECT: Request for Approval of Outside Employment:

FROM: (b) (6) Medical Officer  
National Decontamination Team

(b) (6)

THRU: Steve Hawthorn, Team Leader  
National Decontamination Team

TO: Deborah Y. Dietrich, Deputy Ethics Official  
Office of Emergency Management

I request approval of outside employment based on the following information:

1. Medical Officer, CS 0602-15: (b) (6)
2. Maintain my clinical expertise and a clinically active board certification in emergency medicine by working shifts in the Emergency Department at the (b) (6) (b) (6) Medical Center (b) (6)

Nature of the work: In order to maintain a clinically active board certification in Emergency Medicine and Medical Toxicology, I have to have ongoing clinical experience caring for patients. My clinical experience is invaluable in performing my function for the EPA, as it gives me operational awareness of medical issues important to health and safety, and a practical understanding of the significance to human health of the full spectrum of potential terrorist agents and release scenarios. Indeed, active clinical competence is included as a requirement of my job description for the EPA. It also adds weight to the opinions I offer on issues of significance to human health. Medical Officers in other branches of the U.S. government, such as the FDA, are routinely permitted to maintain their clinical competency and it is understood that this enhances their value as a government expert.

The academic physicians who provide medical care in the Emergency Department of the (b) (6) also have patient clinics in which they provide non-emergent primary care. If their clinic happens to fall on a day when they are required to work in the Emergency Department, their 50-patient clinic is cancelled for that day, requiring the veterans to wait longer to see their physician. Also, they are assigned periodically to teach on the wards which can conflict with their shift schedule in the Emergency Department. For these reasons, they are interested in having me work shifts for them part-time to eliminate some of these schedule conflicts. My role would therefore be to work hours in their Emergency Department outside of my scheduled time with the EPA.

3. Whether or not I want to be paid: I would be compensated for the hours I work in their Emergency Department. Their Human Resources Department convened a panel to decide what salary level should be used to determine the hourly rate which would be appropriate to someone with my level of training and experience. That yearly rate has been determined to be (b) (6) USD if I were to be working full-time. The hourly rate would be derived from that annual salary





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAR 19 2007

**MEMORANDUM**

**FROM:** *EY G*  
EPA Human Subjects Research Review Official  
Grade: ST-10

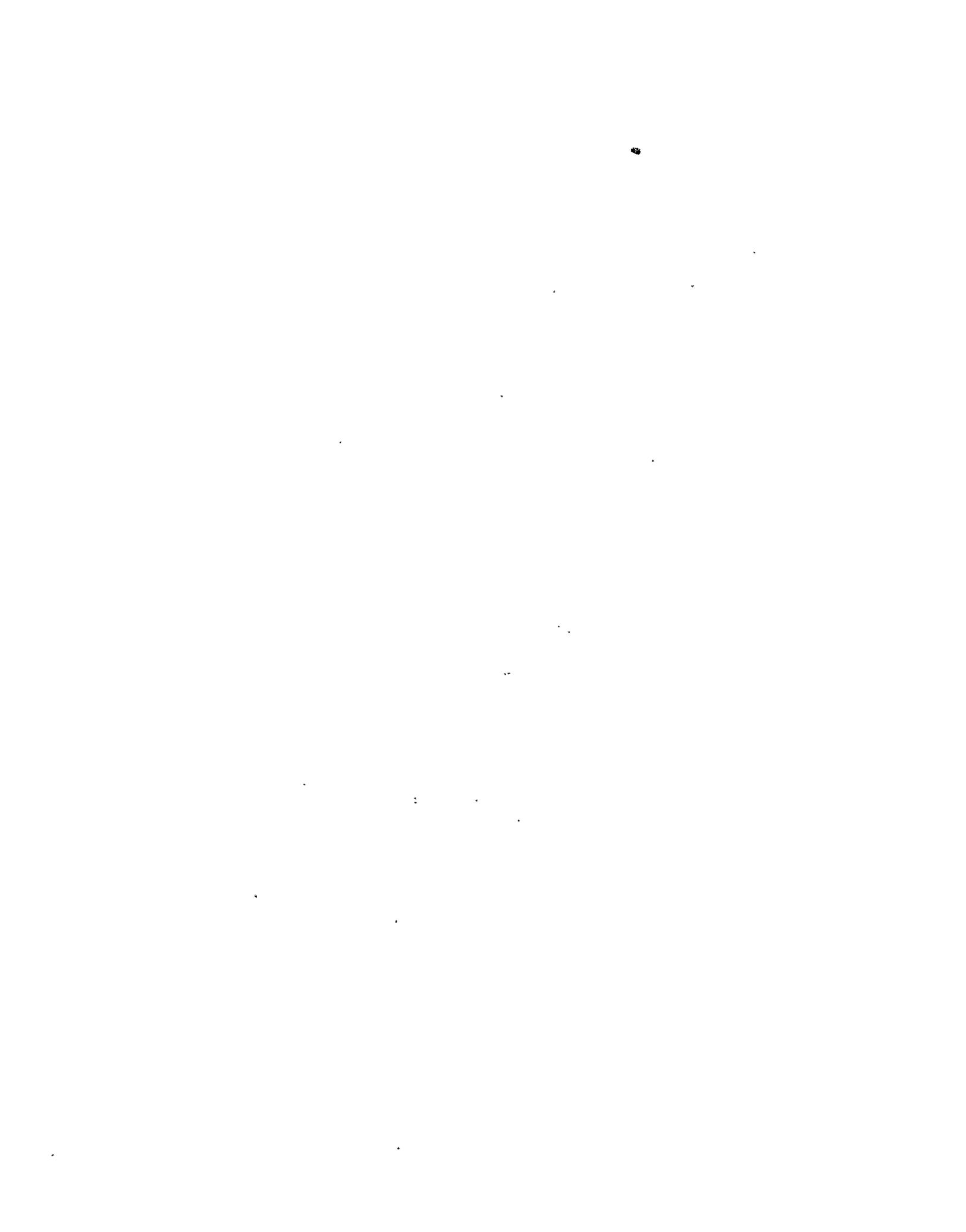
**TO:** Justina Fugh  
EPA Senior Counsel for Ethics

**THRU:** George Gray, Ph.D. *Gr Gray*  
EPA Science Advisor

**DATE:** March 9, 2007

**SUBJECT:** Request for Approval to Engage in an Outside Activity

This is to request approval to engage in an outside activity as an Affiliated Scholar at the Center for Clinical Bioethics at *EY G* University. The activity will include participation in conferences dealing with bioethical matters and may also include delivering invited guest lectures at *EY G* University or coauthoring scholarly papers with university faculty. No compensation is expected for the activity. The estimated time to be devoted to the activity will be approximately 2 to 4 hours per month. The activity will be conducted outside of normal duty hours. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the activity. I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 Subpart H (Outside Activities) and Section 6401.102 of EPA's Supplemental Regulations. There are no EPA assistance agreements or contracts held by a person to or for whom services would be provided as part of this activity.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D C. 20460

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

DATE: July 18, 2013

MEMORANDUM

SUBJECT: Request Approval of Outside Employment for

EX 6

FROM: EX 6 Acting Deputy Director,  
Federal Facilities Enforcement Office

EX 6

TO: David J. Kling, Director  
Federal Facilities Enforcement Office

By this memorandum I'm seeking your approval for me to affiliate as a real estate agent with the  
EX 6. This written request and your approval are required  
under EPA ethics regulations found at 5 CFR § 6401.103.

I recently completed a 60-hour course of study and passed a  
EX 6 Commission test which entitles me to become a real estate agent. Agents are not allowed to  
engage in any real estate work without affiliating with a person who has a  
EX 6 typically are affiliated with a firm and they supervise agents, who are  
independent contractors of the broker or his/her firm.

I would like to affiliate with the  
EX 6 I would be  
EX 6 and not  
an employee of  
EX 6 I would  
EX 6  
The  
EX 6  
EX 6 the dollar volume of transactions I generate in the prior calendar year.  
EX 6 In the future, I  
EX 4 EX 4 but at this time I'm only

I don't anticipate that I'll  
EX 6 in the next six months. For the next six  
to twelve months, I will be primarily focused on  
EX 6 training courses. Many of  
EX 6 are given during the workday and I plan on requesting  
annual leave or leave without pay to attend any of the courses. I'll refrain from taking any  
courses which interfere with my EPA work and, of course, you have the authority to approve or

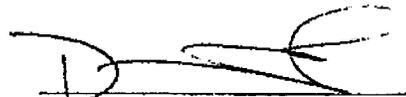
disapprove my leave requests.

Other than the course work, I will conduct this work almost entirely outside of my normal EPA duty hours. However, there may be a limited number of occasions where I may need to take a telephone call or respond to an urgent email during work hours. In such cases, I would take a shorter lunch break or work additional time to compensate for that time. EY 6 work with my personal smartphone. No EPA or federal government property, resources or facilities will be used in connection with EY 6.

I have read, am familiar with, and will abide by the restrictions contained in 5 CFR §2635 and §6401.102 concerning outside employment. I have not identified any contracts, assistance agreements or similar arrangements between EPA and \_\_\_\_\_ I also have not identified any likely scenarios in which this outside employment could raise any conflict of interest situations. However, if any such conflicts arise, I will provide a written recusal statement, withdraw from activities giving rise to the conflict, or take any other appropriate actions.

I'm happy to discuss this with you at your convenience. Please indicate your approve or non-approval below.

APPROVED:

  
\_\_\_\_\_  
David J. Kling, Director  
Federal Facilities Enforcement Office

7/19/13  
\_\_\_\_\_  
Date

NOT Approved:

\_\_\_\_\_  
David J. Kling, Director  
Federal Facilities Enforcement Office

\_\_\_\_\_  
Date



Feb-04-2002 08:46am

Ex 6

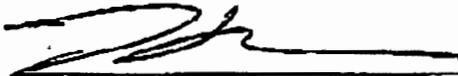
Ex 6

T-431 P.003/003 F-321

2

- 4. Time devoted to this activity will be during non-EPA work hours and should not exceed Ex 6
- 5. Previously answered.
- 6. No official duty time or Government property, resources, or facility not available to the general public will be used in connection with this outside employment.
- 7. Ex 6
- 8. I have read and am familiar with and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.
- 9. There are no EPA assistance agreements or contracts held by a person to or for whom services will be provided.
- 10. Ex 6  
Ex 6

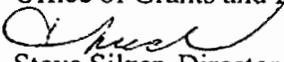
CONCURRENCE:

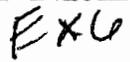
 1/15/2002  
 Howard Corcoran  
 Deputy Ethics Official

November 19, 2001

**By Facsimile**

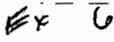
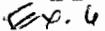
To: Howard Corcoran, Director  
Office of Grants and Debarment

Thru:   
Steve Silzer, Director  
Suspension and Debarment Division

From: -----  


Subject: Outside Employment Memo

Howard and Steve,

Sorry for the typos. I had not saved the earlier version and had to retype it. I had  
forgotten to run spell-check.  I had to call to find out the full name.  


Hope this is what you need. Thanks for your patience!

November 13, 2001

To: Howard Corcoran  
Deputy Ethics Official

From:

Ex. 6.



Subject: Prior Approval for Outside Employment (5 CFR Sec. 6401.103)

Howard, as we previously discussed, the following is my request for outside employment as set forth by the applicable regulation.

1) Ex. 6.

Ex. 6

Ex 6

4) As I mentioned, I do not expect the time from my work will be substantial. I do not anticipate Ex 6 and these are normally of short duration.

5) previously answered.

6) No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with my outside employment.

Ex 6

8) I have read, am familiar with and will abide by the restrictions described in 5 CFR part 2635 and sec. 6401.102.



Howard  
Corcoran/DC/USEPA/US  
03/14/2006 04:03 PM

To : Ex 6  
cc Richard Kuhlman/DC/USEPA/US@EPA, Marguerite Pridgen  
bcc  
Subject

Ex 6 : You requested that I reconsider my determination that administrative leave would not be available;

Ex 6

Ex 6

Ex 6

: In support of your request, you provided me a

Ex 6

Based on my conversations with the staff in the: Ex 6, it appears that the

Ex 6

In light of this focus, the nexus between your EPA official duties and { Ex 6 } is very attenuated. At the same time, consistent with the Agency's Leave Manual, I believe it is within the discretion of your supervisors to grant you administrative leave to participate in Ex 6 on the ground that your participation will enhance your professional skills.

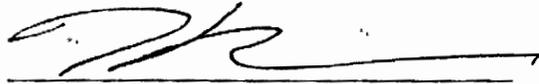
It should be noted, however, that you are not automatically entitled to administrative leave to attend all Ex 6. Rather, the granting of administrative leave will be determined by your supervisors on a case-by-case basis. This means that for the upcoming March meeting, and for any future meetings, provision of administrative leave will depend on the work needs of the office, and whether you are satisfactorily carrying out your job responsibilities and assignments at that time. I note that you are currently under a Performance Assistance Plan and your performance under that plan will be considered in deciding whether to grant you administrative leave for the: Ex 6. You will need to touch base with Marguerite/Rich on the administrative leave issue in advance of the March meeting.

If you have any additional questions, please let me know. Thanks, Howard.

9) There are no EPA assistance agreements or contacts held by a person to or for whom services would be provided.

Ex-4

CONCURRENCE:



Howard Corcoran  
Deputy Ethics Official

cc: Stefan Silzer, Director  
Suspension & Debarment Division



David  
Guerrero/DC/USEPA/US  
03/13/2006 12:37 PM

To Howard Corcoran/DC/USEPA/US@EPA  
cc Peggy Love/DC/USEPA/US@EPA  
bcc  
Subject Re: Ethics Advice

Howard: Please below with my suggested changes. Dave

Ex 6: You requested that I reconsider my determination that administrative leave would not be available to you for your participation in coming meetings of the Ex 6. In support of your request, you provided me a copy of

Ex 6

Ex 6  
Ex 6

Based on my conversations with the staff in Ex 6, it appears that the primary focus of Ex 6 is to address the health care needs of women veterans. In light of this focus, the nexus between your EPA official duties: Ex 6 very attenuated. At the same time, consistent with the Agency's Leave Manual, I believe it is within the discretion of your supervisors to grant you administrative leave to participate in Ex 6, on the ground that your participation will enhance your professional skills.

It should be noted, however, that you are not automatically entitled to administrative leave to attend all Ex 6. Rather, the granting of administrative leave will be determined by your supervisors on a case-by-case basis. This means that for the upcoming March meeting, and for any future meetings, provision of administrative leave will depend on the work needs of the office, and whether you are satisfactorily carrying out your job responsibilities and assignments at that time. I note that you are currently under a Performance Assistance Plan and your performance under that plan will be considered in deciding whether to grant you administrative leave for the Ex 6 March meeting.

If you have any additional questions, please let me know. Thanks, Howard.

David P. Guerrero  
U.S. Environmental Protection Agency  
Office of General Counsel  
Finance and Operations Law Office  
Phone #: (202) 564-5458  
Fax #: (202) 564-5432  
Howard Corcoran/DC/USEPA/US



Howard  
Corcoran/DC/USEPA/US  
03/10/2006 04:39 PM

To David Guerrero/DC/USEPA/US@EPA  
cc Peggy Love/DC/USEPA/US@EPA  
Subject Re: Ethics Advice

Hi, David. Sorry it took me so long to get back to you on this. I tried to capture the advice you gave me. Feel free to revise. Thanks, Howard.

DRAFT - 3/10/06

Ex 4 You requested that I reconsider my determination that administrative leave would not be available to you for your participation in.

Ex 6 In support of your request, you provided me a copy of your position description (PD). The PD contains a number of statements indicating that

Ex 6  
Based on my conversations with the staff in Ex 6, the primary focus of the Ex 4. In light of this focus, the nexus between your EPA official duties and the Ex 6 is very attenuated. At the same time, consistent with the Agency's Leave Manual, I believe it is within the discretion of your supervisors to grant you administrative leave to participate in Advisory Ex 6 on the ground that your participation will enhance your professional skills.

It should be noted, however, that you are not entitled to administrative leave to attend the Ex 6. Rather, the granting of administrative leave will be determined by your supervisors on a case-by-case basis. This means that for the upcoming March meeting, provision of administrative leave will depend on the work needs of the office and whether you are satisfactorily carrying out your job responsibilities, including the assignments and tasks in your Performance Assistance Plan.

If you have any additional questions, please let me know. Thanks, Howard.



Ex 4  
01/18/2006 02:22 PM

To Howard Corcoran/DC/USEPA/US@EPA  
David Guerrero/DC/USEPA/US@EPA, Kenneth Wernick/DC/USEPA/US@EPA, Marguerite Pridgen/DC/USEPA/US@EPA, Richard Kuhlman/DC/USEPA/US@EPA  
CC  
Subject Re: Ethics Advice

Hi Howard:

I do not believe you responded to my questions I presented to you on 12/19/05, below. You also dropped by my office shortly after Christmas and asked me for a copy of my position description to help you review the issue of administrative leave since your impression was that my work with the committee did not relate to my duties at EPA and I pointed out to you that the duties did indeed relate to one another as shown in my position description. However, you did not get back to me. I do appreciate the holidays during December and January and your busy schedule.

I would appreciate it if you would clear these issues for me.

Thank you,

Ex 6



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: April 1, 2005  
SUBJECT: Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity  
FROM: *EX6* Director  
ECD (B143-00)  
TO: Lawrence W. Reiter, Director  
NHEERL (B305-01)  
THROUGH: Hal Zenick, Associate Director for Health *HZ*  
NHEERL (B105-01)

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

[Note: Please do not delete or alter the information requested. Completely answer each item-do not answer "N/A"]

1) Employee's name, EX6 Director - Environmental  
Health Scientist- GS-15  
title and grade \_\_\_\_\_

2) Nature of the outside activity, including a full description of the services to be performed-  
Provide advice as a member of an expert review group on how best to conduct a molecular epidemiology (cytogenetic) study to assess the possible effects of methylphenidate (ritalin) treatment. A recent paper in Cancer Letters proposed that methylphenidate is a potential carcinogen based on cytogenetic evidence in exposed children.

\_\_\_\_\_  
\_\_\_\_\_

and the amount of compensation to be expected;\*\* None

3) The name and business of the person or organization for which the work will be done- AKG

(in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months); \_\_\_\_\_

4) The estimated time (hours/days) to be devoted to the activity; (Please indicate **exact dates** if known. 3 days \_\_\_\_\_)

5) Whether the service will be performed entirely outside of normal duty hours (yes or no) YES

(if no, estimate the number of hours of absence from work required; if leave is requested, please provide a copy of approved SF-71); \_\_\_\_\_

6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.); AKG

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered-if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.)  
NONE

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1) **EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position.*

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

EX 6  
Employee's Signature

4-5-05  
Date

2)

**DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL

2 Des

4/6/05  
Date

DISAPPROVAL

\_\_\_\_\_

\_\_\_\_\_  
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: October 5<sup>th</sup>, 2004  
SUBJECT: Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity  
FROM: EX 6 Director  
ECD (B143-06)  
TO: Lawrence W. Reiter, Director  
NHEERL, (B305-01)  
THROUGH: Hal Zenick, Associate Director for Health *h*  
NHEERL (B105-01)

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

[Note: Please do not delete or alter the information requested. Completely answer each item-do not answer "N/A"]

1) Employee's name, EX 6  
title and grade; Director (Environmental Health Scientist) GS-  
15 \_\_\_\_\_

2) Nature of the outside activity, including a full description of the services to be performed- To serve as a Member of the Science Council of the Universities Space Research Association (USRA) Division of Life Sciences (DLS). Provide scientific assessment of the research activities being conducted by the DLS. (see attached memo)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and the amount of compensation to be expected; \*\* Travel Expenses and \$450 for the annual one day meeting in Houston

3) The name and business of the person or organization for which the work will be done— EX 6

(in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months); \_\_\_\_\_

4) The estimated time (hours/days) to be devoted to the activity; (Please indicate exact dates if known.) 15 hours per year Fall of each year of 3 years \_\_\_\_\_

5) Whether the service will be performed entirely outside of normal duty hours (yes or no) Yes

(if no, estimate the number of hours of absence from work required; if leave is requested, please provide a copy of approved SF-71); \_\_\_\_\_

6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.); EX 6 one day of meeting

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered-if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.) None known

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1) **EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and not because of my official position.

g) I certify that the invitation to engage in this activity or the offer of compensation was not extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

Employee's signature EX6 Date 10-5-04

2) **DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL [Signature] Date 10/20/04

DISAPPROVAL \_\_\_\_\_ Date \_\_\_\_\_



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: March 1<sup>st</sup>, 2004  
SUBJECT: Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity  
FROM: *EX6* Director *EX6*  
Environmental Carcinogenesis Division/NHEERL/ B143-06  
THRU: Hal Zenick, Associate Director or Health *HZ*  
Deputy Ethics Official for Division / B105-01  
TO: Larry Reiter, Director/NHEERL/B305-01

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

[Note: Please do not delete or alter the information requested. Completely answer each item—do not answer "N/A"]

1) Employee's name, \_\_\_\_\_  
title and grade; Supervisory Research Biologist GS-15

2) Nature of the outside activity, including a full description  
of the services to be performed— Review grant proposals for  
*EX6*

and the amount of compensation to be expected; \*\* \_\_\_\_\_ travel expenses  
only \_\_\_\_\_





7/02



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: Date of Request

SUBJECT: Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity

FROM: EX6 Director ECD  
NHEERL, MD-68

THROUGH: Hal Zenick, ADH HZ  
NHEERL, B105-01

TO: Larry Reiter, Director  
NHEERL, B305-01

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

[Note: Please do not delete or alter the information requested. Completely answer each item-do not answer "N/A"]

- 1) Employee's name, EX6  
title and grade; Director GS 15-10
- 2) Nature of the outside activity, including a full description of the services to be performed- Review proposals on biomarker research for the EX6

and the amount of compensation to be expected;\*\* EX6

- 3) The name and business of the person or organization for which the work will be done- American Chemistry Council - A not-for-profit association of chemical companies

(in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);

4) The estimated time (hours/days) to be devoted to the activity;  
(Please indicate **exact dates** if known.) 8 hours between June 21<sup>st</sup> and August 9th

5) Whether the service will be performed entirely outside of normal duty hours (yes or no) yes

(if no, estimate the number of hours of absence from work required; if leave is requested, please provide a copy of approved SF-71);

6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.); fee

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered-if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.)  
not known

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1) **EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and not because of my official position.

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

EXB  
Employee's signature

14<sup>th</sup> June 2002  
Date

2)

**DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL

Lawrence

Date

7/1/02

DISAPPROVAL

Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

April 11, 2001

MEMORANDUM

**SUBJECT:** Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity

**FROM:** *EX6* \_\_\_\_\_, Director  
Environmental Carcinogenesis Division (MD-68) *EX6*

**TO:** Lawrence W. Reiter (MD-51)  
Deputy Ethics Official for Immediate Office

**THROUGH:** Harold Zenick (MD-87) *rhf/hg*  
Associate Director for Health Divisions

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and SS 6401.102.

1) Employee's name, title and grade; *EX6* \_\_\_\_\_, Director,  
Environmental Carcinogenesis Division, Grade 15.

2) Nature of the outside activity, including a full description of the services to be performed -  
Adjunct Professor, Department of Environmental and Molecular Toxicology, North *EX6* Serve on Students' Graduate Thesis Committees, present 2-4 lectures per year in the Department

and the amount of compensation to be expected;\*\* *EX6*

3) The name and business of the person or organization for which the work will be done - Department of Environmental and Molecular Toxicology, *EX6* in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months); N/A

R-00-4-63  
4-12-01

4) The estimated time to be devoted to the activity; (Please indicate exact dates if known) 30 hours per year.

5) Whether the service will be performed entirely outside of normal duty hours No  
(if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71);  
12 hours

6) The basis for compensation (e.g., fee, per diem, per annum, etc.);  
N/A

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. None

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1)

#### EMPLOYEE CERTIFICATION

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and § 6401.102;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity.

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

For teaching, speaking or writing, also include the following certifications:

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and not because of my official position.

g) I certify that the invitation to engage in this activity or the offer of compensation was not extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

EXB  
Employee signature \_\_\_\_\_ Date 11<sup>th</sup> April 2001

2) DEPUTY ETHICS OFFICIAL APPROVAL

APPROVAL [Signature] \_\_\_\_\_ Date 5/3/01

DISAPPROVAL \_\_\_\_\_ Date \_\_\_\_\_



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

April 11, 2001

MEMORANDUM

**SUBJECT:** Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity

**FROM:** *EX6* Director  
Environmental Carcinogenesis Division (MD-68) *EX6*

**TO:** Lawrence W. Reiter (MD-51)  
Deputy Ethics Official for Immediate Office

**THROUGH:** Harold Zenick (MD-87) *hz*  
Associate Director for Health Divisions

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and SS 6401.102.

- 1) Employee's name, title and grade; *EX6* Director,  
Environmental Carcinogenesis Division, Grade 15.
- 2) Nature of the outside activity, including a full description of the services to be performed -  
Adjunct Professor, Integrated Toxicology Program, EX6 to  
present lectures as requested
- and amount of compensation to be expected; \*\* *EX6*
- 3) The name and business of the person or organization for which the work will be done - Integrated Toxicology Program, EX6  
University (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months); N/A
- 4) The estimated time to be devoted to the activity; (Please indicate exact dates if known) 6 hours per year.

R-00-4.63  
4-12-01

5) Whether the service will be performed entirely outside of normal duty hours No  
(if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71);  
3 hours.

6) The basis for compensation (e.g., fee, per diem, per annum, etc.);  
N/A

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. None

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1) **EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and § 6401.102;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity.

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

For teaching, speaking or writing, also include the following certifications:

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and

not because of my official position.

g) I certify that the invitation to engage in this activity or the offer of compensation was not extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

EX 6 11<sup>th</sup> April 2001  
Employee's signature Date

2)

**DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL   L. Lee   5/3/01  
Date

DISAPPROVAL \_\_\_\_\_ Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

April 11, 2001

MEMORANDUM

**SUBJECT:** Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity

**FROM:** EX 6 Director  
Environmental Carcinogenesis Division (MD-68) EX 6

**TO:** Lawrence W. Reiter (MD-51)  
Deputy Ethics Official for Division

**THROUGH:** Harold Zenick (MD-87) Mhgh  
Associate Director for Health Divisions

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and SS 6401.102.

1) Employee's name, title and grade; EX 6 Director,  
Environmental Carcinogenesis Division, Grade 15.

2) Nature of the outside activity, including a full description  
of the services to be performed: EX 6  
Serve as the Participate in monthly conference calls  
that develop policy on scientific issues

and the amount of compensation to be expected; \*\*EX 6

3) The name and business of the person or organization for which  
the work will be done - Federation of American Societies for  
Experimental Biology (FASEB) (in cases of self-employment,  
indicate the types of services to be rendered and estimate the  
number of clients or customers anticipated during the next 6  
months); N/A

R-00-4-63

4-12-01

4) The estimated time to be devoted to the activity; (Please indicate exact dates if known) 4<sup>th</sup> Friday of each month; 1 - 1 1/2 hours per month.

5) Whether the service will be performed entirely outside of normal duty hours No  
(if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71); Conference call taken at work.

6) The basis for compensation (e.g., fee, per diem, per annum, etc.); N/A

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. None

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1) **EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and § 6401.102;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity.

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

For teaching, speaking or writing, also include the following certifications:

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and not because of my official position.

g) I certify that the invitation to engage in this activity or the offer of compensation was not extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

EXB  
Employee's signature \_\_\_\_\_ Date 11<sup>th</sup> April 2001

2)

DEPUTY ETHICS OFFICIAL APPROVAL

APPROVAL [Signature] \_\_\_\_\_ Date 5/3/01

DISAPPROVAL \_\_\_\_\_ Date \_\_\_\_\_



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: August 24<sup>th</sup>, 1999  
SUBJECT: Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity  
FROM: EX6 Director  
Environmental Carcinogenesis Division (MD-68) EX6  
TO: Lawrence W. Reiter (MD-51)  
Deputy Ethics Official for NHEERL Immediate Office  
THROUGH: Robert J. Kavlock (MD-87) rik 9/14/99  
Acting Associate Director for Health

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and SS 6401.102.

[Note: Please do not delete or alter the information requested. Completely answer each item-do not answer "N/A"]

- 1) Employee's name, title and grade; EX6  
Division Director, Grade 15
- 2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected;\*\* To serve on a Technical Implementation Panel (TIP)  
EX6 The role of the TIP is to judge the relevance of research proposed for the overall Research Plan is directed towards resolving questions

concerning the potential health and environmental effects of chemicals. The amount of compensation is proposed to be *EX6* per day of meeting; meetings are typically of 1 day duration and 3 per year. The length of service is initially 2 years

3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);

*EX6*

4) The estimated time to be devoted to the activity; (Please indicate exact dates if known): 3 meetings per year for 2 years; each meeting having a 1 day duration.

5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71); Typically work will be conducted outside normal work hours. Annual leave will be requested for activities conducted during normal work hours; this is estimated to be 4 days and the SF-71 will be submitted as the dates for meetings become available.

6) The basis for compensation (e.g., fee, per diem, per annum, etc.);

Travel expenses where required but meetings are held in RTP.  
Fee: *EX6* per meeting.

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided.

N/A

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an **officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker**. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes

transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1)

**EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and § 6401.102;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity.

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position.*

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

I) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that



Rec'd 4/2/99 kjd



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: March 31, 1999

SUBJECT: Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity

FROM: *EXB* - Director  
NHEERL, ECU (MD-88)

TO: Lawrence W. Reiter (MD-51)  
Deputy Ethics Official for NHEERL Immediate Office

THROUGH: *[Signature]* Hal Zenick, Associate Director for Health  
NHEERL (MD-87)

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and SS 6401.102.

[Note: Please do not delete or alter the information requested. Completely answer each item-do not answer "N/A"]

- 1) Employee's name, title and grade:  
*EXB* Division Director, Grade 15
- 2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected; \*\* To serve on a Science Advisory Board to review a project related to health and beauty products. In particular, to review data sets on genotoxicity and carcinogenicity providing interpretation as a member of the Advisory Board. *EXB*
- 3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months); Proctor and Gamble Technical Centers, health and beauty industry.
- 4) The estimated time to be devoted to the activity; (Please indicate exact dates if known): May 26, 27, and 28, 1999
- 5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71); A total of 3 work days will be required; administrative leave is requested to cover this period
- 6) The basis for compensation (e.g., fee, per diem, per annum, etc.);  
Travel expenses and per diem
- 7) Identification of any assistance agreements or contracts held by the person to or

for whom services will be provided: NHEERL-ECD has no agreements or contracts with Procter and Gamble

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1)

#### EMPLOYEE CERTIFICATION

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and § 6401.102;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity.

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

For teaching, speaking or writing, also include the following certifications:

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position*.

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: October 21, 2009

SUBJECT: Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity

FROM: *EX6*, Ph.D.  
Associate Director for Health, IO/NHEERL (MD: B105-01)

TO: Harold Zenick, Ph.D.  
Director and DEO, NHEERL (MD: B305-01)

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and SS 6401.102.

- 1) Employee's name, title and grade;  
*EX6*, Associate Director for Health, ES 00
- 2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected;\*\*  
Contribute to report on uncertainty in radiation risk estimation.
- 3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);  
*EX6*
- 4) The estimated time to be devoted to the activity; (Please indicate exact dates if known) 10/22-23/09
- 5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71);  
No. estimated 9 hours/day; SF-71 attached

6) The basis for compensation (e.g., fee, per diem, per annum, etc.);

-Exb-

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided.

None

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1)

EMPLOYEE CERTIFICATION

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and § 6401.102;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity.

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological

details.

For teaching, speaking or writing, also include the following certifications:

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and not because of my official position.

g) I certify that the invitation to engage in this activity or the offer of compensation was not extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

Employee's signature EXB Date 10-21-09

2) DEPUTY ETHICS OFFICIAL APPROVAL

APPROVAL H. Zencich Date 10-21-09  
DISAPPROVAL \_\_\_\_\_ Date \_\_\_\_\_





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory  
Reproductive Toxicology Division  
Research Triangle Park, NC 27711

OFFICE OF  
RESEARCH AND DEVELOPMENT

September 30, 2010

MEMORANDUM

**SUBJECT:** Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity

**FROM:** *EXB*  
Acting Director, TAD (MD-71)

**TO:** Hal Zenick  
Deputy Ethics Official for NHEERL (b05-01)

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and 6401.102.

1) Employee's name: *EXB*  
Title and grade: **Research Biologist, GS-401-15**

2) Nature of the outside activity, including a full description of the services to be performed: **I will be giving two lectures in an Embryology and Teratology course hosted by the . One is on musculoskeletal embryology and one is on principles of abnormal development. I will not be presenting any data or activities from the EPA.**

and the amount of compensation to be expected;\*\* this is what is **expected.**

*EXB*



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: September 28, 2005

SUBJECT: Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity

FROM: <sup>EX 6</sup> , Assistant Director for Ecosystem Protection  
NHEERL/ORD MC B305-02

TO: Hal Zenick, Acting Director of NHEERL and  
Deputy Ethics Official for Division (MC B305-02)

THROUGH: <sup>RS</sup> Robert S. Dyer, Director of RPCS (MC B305-02)

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

[Note: Please do not delete or alter the information requested. Completely answer each item-do not answer N/A]

- 1) Employee's name, <sup>EX 6</sup> title and grade; Assistant Director for Ecosystem Protection. GS 15
- 2) Nature of the outside activity, including a full description of the services to be performed-

Appointment as an Adjunct Associate Professor in the Division of Environmental Sciences and Policy in the <sup>EX 6</sup> Appointment term July 1, 2005 - June 30, 2008.

This appointment will enable me to complete serving on the PhD committee for a student who expects to complete his PhD in Spring 2006. I also expect to continuing advising on a faculty research project aimed at creating a decision analysis approach to assessing the environmental and social tradeoffs for DDT use for malaria control in Africa and Asia. and the amount of compensation to be expected; \* None \_\_\_\_\_

- 3) The name and business of the person or organization for which

the work will be done-

*EX 6*  
(in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months); \_\_\_\_\_

4) The estimated time (hours/days) to be devoted to the activity;  
(Please indicate exact dates if known.)

**Fall 2005 and Spring 2006: 2 days for PhD committee service. 1 day for malaria project review.**

5) Whether the service will be performed entirely outside of normal duty hours (yes or no) No

(if no, estimate the number of hours of absence from work required; if leave is requested, please provide a copy of approved SF-71);

6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.); **no direct compensation** \_\_\_\_\_

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered-if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.)

**I am not aware of, nor involved with, any *EX 6* contracts.**

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1)

#### EMPLOYEE CERTIFICATION

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated

EX 6

launched this project in response to two major concerns. first, the precautionary principle, a general principle of environmental governance, is increasingly important in NRM and biodiversity conservation, but there is no clear and consistent understanding of its meaning. In consequence, its application is causing confusion, dispute and distrust, particularly when the principle is invoked to restrict or ban access to natural resources, or to limit market access. Secondly, while an intense international debate on the precautionary principle is currently taking place, the perspectives and priorities of developing countries are often marginalized or excluded. This is of particular importance in the context of NRM and conservation, as many of these countries, and in particular poor rural groups within them, are highly dependent on utilization and trade of living natural resources for livelihoods and income.

Expert specialist advice is central to the success of this initiative. To ensure rigorous "quality control" of publications, balanced and authoritative treatment of a complex array of policy and technical issues, and ongoing relevance and responsiveness to on-the-ground management and conservation, the input and guidance of an interdisciplinary and international team of experts is essential. Guidance for best practice will draw heavily on the work of the project over the last two years. Advisory Group members are invited to participate in the project's final International Workshop July 21-23 2005. This workshop will play a crucial role in reviewing and discussing project case studies and the guidance for best-practice and represents an important opportunity to shape policy and thinking on this issue.

And the amount of compensation to be expected; \*\*

EX 6 1) will directly pay for air ticket to attend a workshop in Florida, lodging and meals for July 21-23. Estimated amount EX 6

3) The name and business of the person or organization for which the work will be done-

EXEMPTION 6

(In cases of self-employment, indicate the types of services to be



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL HEALTH AND ENVIRONMENTAL EFFECTS  
RESEARCH LABORATORY  
RESEARCH TRIANGLE PARK, NC 27711

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: July 28, 1999

SUBJECT: Request for Approval to Engage in Outside Employment

FROM: \_\_\_\_\_, Director  
Neurotoxicology Division (MD-74B)

TO: Lawrence Reiter, (MD-51)  
DEO for Health Divisions

THRU: Robert Kavlock, (MD-87) *rjk 8/2/99*  
Acting ADH

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and SS 6401.102.

1) *Stb* \_\_\_\_\_, Director, GS-15

2) To participate as a member of the *EX 6* \_\_\_\_\_ for 1999-2000. As a member of advisory committee, I have been asked to review the scientific merit of specific research proposals concerned with neurotoxicology and related environmental toxicology. I am expected to write a brief synopsis of my opinion for \_\_\_\_\_. In addition, as a member of the committee, I am expected to participate in informal discussions with CIIT staff concerning their research. A consulting fee of \_\_\_\_\_ will be provided to cover participation in a review meeting in August, including attendance at the meeting and preparation time of the report. I will not use my official title in this consultation and I am being asked to participate in the review because of my general knowledge of the area of neurotoxicology and not because of my official position.

3) The *EX 6* \_\_\_\_\_ is a not-for-profit institution dedicated to developing an improved scientific basis for understanding and assessing human health risks from exposure to chemicals. No government funds are involved. I was

outsideact  
revised 6/99

EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

For teaching, speaking or writing, also include the following certifications:

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and not because of my official position.

g) I certify that the invitation to engage in this activity or the offer of compensation was not extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

EX6  
Employee's signature 2-4-03  
Date

2) DEPUTY ETHICS OFFICIAL APPROVAL

APPROVAL AGS 3/7/03  
Date

DISAPPROVAL \_\_\_\_\_  
Date

(in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months); N/A

4) The estimated time (hours/days) to be devoted to the activity; (Please indicate exact dates if known.): 5 days/year

5) Whether the service will be performed entirely outside of normal duty hours (yes or no) Yes

(if no, estimate the number of hours of absence from work required; if leave is requested, please provide a copy of approved SF-71); N/A

6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.); NA

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered-if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.) N/A

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1)

#### EMPLOYEE CERTIFICATION

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: February 4, 2003

SUBJECT: Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity

FROM: *Ex 6* \_\_\_\_\_, Assistant Laboratory Director  
RPCS/IO (B-305-02) *Ex 6*

TO: Larry W. Reiter  
Deputy Ethics Official for IO (B-305-01)

THROUGH: Robert S. Dyer *Robert S. Dyer*  
RPCS/IO (B-305-02)

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

[Note: Please do not delete or alter the information requested. Completely answer each item-do not answer "N/A"]

- 1) Employee's name, *Ex 6* \_\_\_\_\_  
title and grade; Assistant Laboratory Director, GS15
- 2) Nature of the outside activity, including a full description of the services to be performed-Appointment to Adjunct Associate Professor, involves sitting on thesis defense committees, reading proposals, providing scientific input to students, postdoctorals; and the amount of compensation to be expected: no compensation is expected
- 3) The name and business of the person or organization for which the work will be done: University of *Ex 6* \_\_\_\_\_ a Curriculum in Toxicology

**DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL A. Zureck

09/29/08  
Date

DISAPPROVAL \_\_\_\_\_

\_\_\_\_\_  
Date

outsideact  
revised 6/99

## EMPLOYEE CERTIFICATION

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position.*

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

Employee's signature

Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory

OFFICE OF RESEARCH AND DEVELOPMENT

September 25, 2008

MEMORANDUM

**SUBJECT:** Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity

**FROM:** *exb*, Supervisory Research Microbiologist, *exb*  
ORD/NHEERL/ETD (MD B143-01)

**THRU:** Julian Preston, (MD 105-01) *J. Preston for J.P.*  
Acting Associate Director for Health, NHEERL

**TO:** Hal Zenick, Director, NHEERL (MD B305-01)  
Deputy Ethics Official for NHEERL

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

*[Note: Please do not delete or alter the information requested. Completely answer each item—do not answer "N/A"]*

1) Employee's name: *exb*  
Title and grade: Supervisory Research Microbiologist, GS 15

2) Nature of the outside activity, including a full description of the services to be performed: Dr *exb* has been invited to present a course on Immunotoxicology during the Toxicology: Principles and Applications portion of a Toxicology Course.

and the amount of compensation to be expected; \*\* *exb*

3) The name and business of the person or organization for which the work will be done: *exb*



4) The estimated time to be devoted to the activity; (Please indicate exact dates if known)

Estimated time required for this activity is 40-60 hours/year

5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71);

Activities will be performed both during normal duty hours and off hour, however, they will not require absence from the work place.

6) The basis for compensation (e.g., fee, per diem, per annum, etc.);

None.

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided.

None.

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1) **EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and § 6401.102;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research  
Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: September 20, 2002

SUBJECT: Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity

FROM: *Ex 6* Acting Chief  
Pulmonary Toxicology Branch/Experimental Toxicology Division " *Ex 6*  
(MD-82)

Through: Harold Zenick, Ph.D. *HZ*  
Associate Director for Health, NHEERL

TO: Lawrence W. Reiter Ph.D.  
Director, NHEERL

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and SS 6401.102.

[Note: Please do not delete or alter the information requested. Completely answer each item-do not answer "N/A"]

- 1) Employee's name, title and grade;

MaryJane K. Selgrade; Acting Chief, PTB/ETD/NHEERL, Health; GS-15

- 2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected;\*\*

*Ex 6* . This activity entails selecting reviewers for papers submitted to the journal in the area of Immunotoxicology (estimated to be 30-40 papers/year), reading reviews and making decisions on acceptability for publication. No compensation will be received for this effort.

- 3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);

*Ex 6*

TRANSMITTAL AND ROUTING SLIP

DATE: 02-10-03

TO:	INITIALS	DATE
Deborah Wales	DW	2/21/03
Carolyn Wheeler (B305-01)	CW	2/21
Hal Zornick - Returned for signature Larry Reiter	LR	FEB 21 2003
Deborah Wales (B143-01)		

REMARKS:

Please see the attached "Request(s) for Approval to Engage in Outside Employment or Other Outside Activity" for Deputy Ethics Official approval.

EX 6 has requested approval to work for the American Chemistry Council. ETD has an active CRADA from the EX 6. Therefore, EX 6 is recused from decisions affecting the interest of the EX 6 Council.

Please call me if you have a question.

Thanks,

FROM:  
Rick Lloyd - ETD, NHEERL

PHONE NO.  
(919) 541-0089

ROOM NO./MD  
B131K/ B143-01

Disapproved -  
EX 6 listed as Project Manager  
on CRADA -  
LR discussed w/ Sgt. on decision

Rec'd 3-5-03

ROC-2-40  
2-24-03

MEMORANDUM FOR THE RECORD

DATE: 11/15/53

TO: SAC, NEW YORK

FROM: SA [Name], NEW YORK

SUBJECT: [Subject]

Reference is made to [Subject]

On 11/15/53, [Name] advised that [Subject]

[Name] stated that [Subject]

[Name] further stated that [Subject]

[Name] advised that [Subject]

[Name] stated that [Subject]

[Name] further stated that [Subject]

[Name] advised that [Subject]

[Name] stated that [Subject]

11/15/53

EX-6

[Signature]

[Signature]

1)

### EMPLOYEE CERTIFICATION

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and § 6401.102;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity.

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position.*

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

\_\_\_\_\_  
Employee's signature

\_\_\_\_\_  
Date

2)

### DEPUTY ETHICS OFFICIAL APPROVAL

APPROVAL \_\_\_\_\_

\_\_\_\_\_  
Date

DISAPPROVAL \_\_\_\_\_

\_\_\_\_\_  
Date

3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);

Ex b.

4) The estimated time to be devoted to the activity; (Please indicate exact dates if known)

**Estimated time required for this activity is 12 hours in Feb. or Mar., 2003**

5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71);

**Activities will be performed entirely outside of normal duty hours**

6) The basis for compensation (e.g., fee, per diem, per annum, etc.);

Ex b.

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided.

**None.**

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an **officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker**. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

*Disapproval*



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research  
Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: February 7, 2003

SUBJECT: Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity

FROM: *EX 6* \_\_\_\_\_, Chief  
Immunotoxicology Branch/Experimental Toxicology Division, *EX 6*  
(B143-04)

Through: Harold Zenick, Ph.D. *HZ*  
Associate Director for Health, NHEERL

TO: Lawrence W. Reiter Ph.D.  
Director, NHEERL

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and SS 6401.102.

*[Note: Please do not delete or alter the information requested. Completely answer each item—do not answer "N/A"]*

1) Employee's name, title and grade;

*EX 6* \_\_\_\_\_ Acting Chief, ITB/ETD/NHEERL, Health; GS-15

2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected\*\*

The activity is to serve as peer reviewer for 3 proposals in response to an RfP addressing maternal toxicity as it relates to neurotoxicity, developmental toxicity, and immunotoxicity. Reviewers are paid *EX 6*. I anticipate this will take about 12 hours of my time



rendered and estimate the number of clients or customers anticipated during the next 6 months); \_\_\_\_\_

4) The estimated time (hours/days) to be devoted to the activity;  
(Please indicate exact dates if known.)

June 7-17, 2005: critique draft guidance. 4 hours

July 21-23, 2005: attend workshop at White Oak Plantation Florida. 3 days

August - September, 2005: critique final guidance. 4 hours

5) Whether the service will be performed entirely outside of normal duty hours (yes or no) No

(if no, estimate the number of hours of absence from work required; if leave is requested, please provide a copy of approved SF-71);

~~no leave~~ WLB \_\_\_\_\_

6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.); no direct compensation \_\_\_\_\_ *In-kind expenses will be paid per employee - Approval for acceptance of these will be requested from O&C.*

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered-if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.) *from O&C.*

I am not aware of, nor involved with, and contracts between USEPA and the project sponsors.

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1) **EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

asked to participate in this review by Dr. *Elb*

4) The estimated time to be devoted to the activity includes 2 days to attend a meeting on August 25-26, and 8 hours to read and prepare a report on proposals assigned to me by CIIT for review.

5) The service will be performed within normal duty hours. Official leave will be taken and requested as leave. No work will be performed on EPA official time.

6) The basis for compensation is a consulting fee.

7) There are no assistance agreements or contracts held by the person to or for whom services will be provided.

#### EMPLOYEE CERTIFICATION

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and § 6401.102;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity.

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position.*

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic

information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

I) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

ETB  
Employee's signature

7-29-99  
Date

2)

DEPUTY ETHICS OFFICIAL APPROVAL

APPROVAL

L. Bed

8/4/99  
Date

DISAPPROVAL

\_\_\_\_\_  
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL HEALTH AND ENVIRONMENTAL EFFECTS  
RESEARCH LABORATORY  
RESEARCH TRIANGLE PARK, NC 27711

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: June 4, 1999

SUBJECT: Request for Approval to Engage in Outside Employment

FROM: *EX6* Director  
Neurotoxicology Division (MD-74B)

TO: Lawrence Reiter, (MD-51)  
DEO for Health Divisions

THRU: Robert Kavlock, (MD-87)  
Acting ADH *Julian Ambrose for RK*

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and SS 6401.102.

- 1) *EX6*, Director, GS-15
- 2) To participate in the *EX6* will serve as the committee chair and coordinator of the draft document. Air fare and two days lodging amounting to *EX6* air fare and *EX6* (per diem) will be expected. The Criteria Documents of the *EX6* are published and copyrighted by *EX6* and given to governments and others who request them. These documents are for use by policy makers and scientists concerning specific scientific issues, e.g., neurotoxicology and risk assessment. I was involved in writing the first Criteria Document #60 on neurotoxicology and am being asked to take the lead in revising that document. I will not receive royalties or any payment for the document published by *EX6*
- 3) The name organization for which the work will be done is the *EX6*
  - d. I was contacted by Dr. *EX6* team leader, who coordinates this and other *EX6* documents for *EX6* Government funds will not be used to pay for any

expenses related to my participation.

- 4) The estimated time to be devoted to the activity includes 3 days to attend the meeting (two days transit and one day of meeting) (July 9-11, 1999) and 16 hours to collate materials to the committee and provide updated version to *EX6*.
- 5) The service will be performed within normal duty hours. Official leave will be taken and requested as leave. No work will be performed on EPA official time.
- 6) The basis for compensation is to cover travel expenses and per diem.
- 7) There are no assistance agreements or contracts held by the person to or for whom services will be provided.

#### **EMPLOYEE CERTIFICATION**

- a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.
- b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and § 6401.102;
- c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity.
- d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.
- e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.
- f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position.*
- g) I certify that the invitation to engage in this activity or the offer of compensation was not extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.
- h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to

which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

I) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

EX 6  
Employee's signature \_\_\_\_\_ Date 6-30-99

2) **DEPUTY ETHICS OFFICIAL APPROVAL**  
APPROVAL [Signature] Date 7/1/99  
DISAPPROVAL \_\_\_\_\_ Date \_\_\_\_\_



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL HEALTH AND ENVIRONMENTAL EFFECTS  
RESEARCH LABORATORY  
WESTERN ECOLOGY DIVISION  
200 S.W. 35TH STREET, CORVALLIS, OR. 97333

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: August 27, 2008

SUBJ: Request for Approval to Engage in Outside Employment\* or Other Outside Activity  
FROM: *EX 6* D., Director, WED *EX 6*  
TO: Hal Zenick, Director, NHEERL  
THRU: Steven Hedtke, ADE, NHEERL *SEH*

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and SS 6401.102.

- 1) Employee's name, title and grade: *EX 6* Director, Western Ecology Division, NHEERL (SES)
- 2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation\*\* to be expected: Team teach an undergraduate level course "Systems Analysis and Modeling" at *EX 6* No compensation will be received or requested.
- 3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months): Biological and Ecological Engineering Department
- 4) The estimated time to be devoted to the activity: The class is taught in the Fall semester for 10 weeks and meets three times a week for one hour. I will NOT be involved with or attend all 30 of these sessions but reasonably expect to attend and teach at a maximum between 5 and 10 of the sessions.
- 5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71): The class is currently scheduled at 2PM, MWF. I am on a maxiflex schedule so I will adjust my office hours to teach the class, as well as provide a full time work effort for the Federal government.
- 6) The basis for compensation (e.g., fee, per diem, per annum, etc.): there is no compensation

- 7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided: Dr. ~~EX6~~ Chair of the Biological and Ecological Engineering Department currently is an "expert" hired by Rick Linthurst (National Program Director for Ecological Research) and duty stationed at the Western Ecology Division. Including me, Dr. ~~EX6~~ ; one of the three teachers (the other is ~~EX6~~ who is not associated with ~~EX6~~ or any other entity).

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

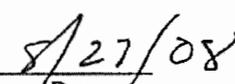
\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

EMPLOYEE CERTIFICATION

- a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.
- b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and § 6401.102;
- c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity.
- d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.
- e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

For teaching, speaking or writing, also include the following certifications:

- f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position*.
- g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties. **Note: Even though Dr. Bolte is duty stationed at WED, I do not evaluate his performance.**
- h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.
- i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.


  
 Employee's Signature \_\_\_\_\_ Date \_\_\_\_\_

DEPUTY ETHICS OFFICIAL APPROVAL

APPROVED \_\_\_\_\_ DISAPPROVED \_\_\_\_\_  
  
 Signature \_\_\_\_\_ Date \_\_\_\_\_



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory

9/24/98  
Revised to address  
all questions. JFD  
See attached

OFFICE OF  
RESEARCH AND DEVELOPMENT

**DATE:** September 19, 1998

**SUBJECT:** Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity

**FROM:** *et b*  
Senior Advisor for National Programs  
Office of the Associate Director for Ecology (MD-87)

**TO:** Harold Zenick, Acting NHEERL Director (MD-51)  
Deputy Ethics Official for NHEERL Immediate Office

**THROUGH:** Gilman D. Veith (*see attached*)  
Associate Director for Ecology, NHEERL (MD-87)

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and SS 6401.102.

- 1) Employee's name, title and grade;

*et b*, Senior Advisor for National Programs, (GS-15)

- 2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected; \*\*

Participate in activities associated with Adjunct Professor. These include serving on advisory committees of graduate students for MS, MPH and PhD degrees, serving on faculty examination panels for graduate students, giving classroom lectures and seminars, discussing scientific technical issues with students and faculty, and attendance of special events hosted by this organization. These duties will be performed

without compensation.

3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);

EX6  
Dept. of Environmental Sciences and Engineering

4) The estimated time to be devoted to the activity; (Please indicate exact dates if known)

Ad hoc basis-approximately 40 hrs/year

5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71);

Leave will be requested for normal duty hours (either annual or excused)

6) The basis for compensation (e.g., fee, per diem, per annum, etc.);

No compensation will be provided.

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided.

EX6 holds EPA assistance agreements; Dr. EX6 will recuse herself from EPA particular matters involving this organization.

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1)

**EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and § 6401.102;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity.

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and not because of my official position.

g) I certify that the invitation to engage in this activity or the offer of compensation was not extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

see attached  
Employee's signature

\_\_\_\_\_  
Date

2)

DEPUTY ETHICS OFFICIAL APPROVAL

APPROVAL

A. Zent

10/1/98

Date

DISAPPROVAL

Date

INSTRUCTIONS:

Please answer the questions/points above by filling in complete information as needed. This information is standardized and all areas must be completed. Do NOT delete any items especially in the certifications.

p:\nheerl\ethics\outform.mem  
revised 6/30/98



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: September 16, 2009

SUBJECT: Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity

FROM: *EX 6*, Acting Air Program ALD  
RPCS/NHEERL-IO (B305-02)

TO: Hal Zenick (MD-B305-01)  
DEO for NHEERL

THROUGH: Bob Hetes, Acting RPCS Director *Bob*  
RPCS/NHEERL-IO (B305-02)  
and  
Kelvin Little, DEO Assistant *KL*  
POS/NHEERL-IO (B305-01)

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and SS 6401.102.

- 1) *EX 6* Acting Air Program ALD (GS-15);
- 2) I have been asked to participate in an expert review (letter review) of a REVISED State of the Science Report on Ethylene Glycol, with particular focus on the human health section of the report. The expectation is to provide a review back within 2 weeks, with responses focused on a series of charge questions (see attached). An honorarium will be offered, but I intend to decline acceptance.
- 3) *EX 6*
- 4) A total of 12 hours is anticipated to complete the review and draft responses to the review charge questions over the period of 2 weeks allowed for the review.
- 5) This service will be performed entirely outside of normal duty hours.
- 6) No compensation is being sought.
- 7) I am unaware of any assistance agreements or contracts with *EX 6*

1)

**EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and § 6401.102;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity.

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

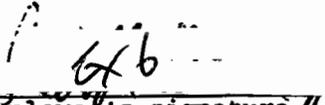
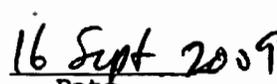
For teaching, speaking or writing, also include the following certifications:

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position.*

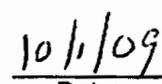
g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

 _____ Employee's signature	 _____ Date
--	---

2) **DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL _____ 	_____  Date
---	---

DISAPPROVAL _____	_____ Date
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From: Lape, Jeff  
To: **EX6**  
Cc: Erickson, Amber; Doyle, Elizabeth; Behl, Betsy; Simbanin, Cynthia  
Subject: Ethics Approval for Outside Activity  
Date: Tuesday, September 17, 2013 7:42:32 AM  
Attachments: image001.gif

---

H **EX6**  
Thanks for submitting your request for outside activity (Contribution of a chapter to the **EX6** '.) I find that this activity does not conflict with your official duties, and therefore, is consistent with 5 C.F.R. 2635.802, which prohibits an employee from engaging in "outside employment or any other outside activity that conflicts with his official duties."  
However, pursuant to 5 C.F.R. 2635.807(b) you MUST include a prominent disclaimer stating that the views expressed in the article do not necessarily reflect the views of the Agency or the United States. I recommend you use the following disclaimer:  
*This work is not a product of the United States Government or the United States Environmental Protection Agency, and the author is not doing this work in any governmental capacity. The views expressed are those of the author only and do not necessarily represent those of the United States or the US EPA.*  
In reference to including your employment information please note that 5 C.F.R. 2635.807(b) states: An employee may include or permit the inclusion of his title or position as one of several biographical details when such information is given to identify him, provided that his title or position is given no more prominence than other significant biographical details.  
As you've indicated that you are writing the chapter in your personal capacity as opposed to your official capacity, you may NOT use official government time or resources for your outside activity. (See 5 C.F.R. 2635.705(a).) Your application for this outside activity indicates that you have not used, nor will use, government time or resources in pursuit of this outside activity.  
Your indication that the only compensation you will receive is one hardcopy and one electronic copy of the completed book is acceptable within the ethics regulations.  
Assuming the described outside activity is limited accordingly, it is my determination that this activity is consistent with the applicable ethics regulations and that you may contribute to the publication of a chapter to the 'F **EX6** '.  
Thank you for your cooperation as we are simply trying to protect you and the Agency by assuring that all the applicable ethics questions are addressed.  
Please let me ro Amber know if you have any questions.

Thanks

Jeff

Jeffrey Lape

Deputy Director, Office of Science and Technology  
Office of Water, U.S. Environmental Protection Agency  
Room 5231A EPA West  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
202-566-0480

**From:** EX6  
**To:** Erickson, Amber  
**Subject:** RE: Ethics Request 2- Book Chapter for Publication  
**Date:** Tuesday, September 10, 2013 1:20:15 PM

---

Additional Note: I am writing the book chapter with another EPA colleague EX6 who has agreed to participate.

---

**From:** EX6  
**Sent:** Tuesday, September 10, 2013 1:08 PM  
**To:** Erickson, Amber  
**Subject:** RE: Ethics Request 2- Book Chapter for Publication

Hi Amber, Please see my response. Thank you.

---

**From:** Erickson, Amber  
**Sent:** Tuesday, September 10, 2013 12:49 PM  
**To:** EX6  
**Subject:** Ethics Request 2- Book Chapter for Publication

- name, title and grade; EX6 toxicologist, GS-0415-14/8
- the nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected; Contribution of a chapter to the EX6. The chapter must be submitted to Elsevier publisher on March 1, 2014. There will be no monetary compensation for the effort, though I may receive a complimentary copy of the published book.
- the name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next six months); I would be signing a contributor agreement with Elsevier publisher
- the estimated time to be devoted to the activity; One month
- whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required); The activity will be performed entirely outside of normal duty hours

- a statement that no official duty time or Government property, resources, or facilities available to the general public will be used in connection with the outside employment; No official duty time or Government property, resources, or facilities available to the general public will be used in connection with the outside activity
- the basis for compensation (e.g., fee, per diem, per annum, etc.) There is no monetary compensation, although as a senior contributor I will receive 1 print and 1 electronic copy of the book upon publication
- a statement that the employee has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations); and I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside Activities) and Section (EPA's Supplemental Regulations)
- an identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided. None





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

OFFICE OF  
REGIONAL  
COUNSEL

December 18, 2014

MEMORANDUM

SUBJECT: Approval for Outside Employment, 5 CFR § 6401.103

FROM: EX 6 Assistant Regional Counsel EX 6  
Assistant Deputy Ethics Official

TO: Allyn Stern, Regional Counsel  
Deputy Ethics Official

---

This memo addresses the time period between August 25, 2014, and September 5, 2014, when EX 6 was employed by EPA as an attorney advisor and on leave without pay (LWOP) status, while at the same time she was completing her term of employment as a judicial law clerk for the EX 6. Because of the 10 overlapping work days, the provisions set forth at 5 CFR § 6401.103 regarding prior approval for outside employment applied. As discussed further below, I recommend approval at this time.

The regulations set forth at 5 CFR § 6401.103 apply to an employee who engages in "the practice of a profession" as defined at 5 CFR § 2636.305(b)(1). EX 6 position as a judicial law clerk falls within the meaning of a "profession" given the specialized knowledge and long and intensive preparation required to practice law. Additionally, bar associations establish and maintain high standards of achievement and conduct for law practitioners and commit them to continued study of the field of law. Finally, consulting and advising with respect to legal matters are generally regarded as activities within the province of attorneys. All of these factors establish that EX 6 was engaged in the practice of a profession when she worked for the EX 6 and was employed by EPA.

However, based on the written information submitted by EX 6, such outside employment did not involve conduct prohibited by statute or federal regulation, including the regulations set forth at 5 CFR §§ 2635 *et seq.*, which address the standards of ethical conduct for executive branch employees and 5 CFR § 6401.102, which address prohibited financial interests. The information submitted by EX 6 responds to the 9 items outlined in 5 CFR § 6401.103(b)(1)-(9) and is attached for reference. Additionally, although EX 6 was not made aware of the applicable regulations regarding employment outside of EPA, she was sensitive to any potential conflict of interest issue and made arrangements with her outside employer to not work on any matter that involved EPA during the brief overlap of employment.

tern, Allyn

---

From: *EX 6*  
Sent: Tuesday, December 01, 2015 5:49 PM  
To: *EX 6*  
Subject: Fwd: Request for approval for outside employment

*EX 6*  
Regional Counsel  
US EPA Region 10  
1200 Sixth Avenue, Seattle, WA 98101  
206-553-1223

Begin forwarded message:

From: "Pirzadeh, Michelle" <[Pirzadeh.Michelle@epa.gov](mailto:Pirzadeh.Michelle@epa.gov)>  
Date: January 8, 2014 at 5:49:47 PM PST  
To: *EX 6*  
Cc: "Rodriguez, Socorro" <[Rodriguez.Socorro@epa.gov](mailto:Rodriguez.Socorro@epa.gov)>  
Subject: RE: Request for approval for outside employment

Allyn,

I am approving your request based on the information you provided below.

**Michelle L. Pirzadeh**  
Deputy Regional Administrator  
U.S. Environmental Protection Agency, Region 10  
Phone: (206) 553-1234  
Blackberry: (206) 499-1927  
Fax: (206) 553-1809

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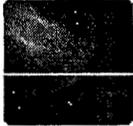
From: *EX 6*  
Sent: Tuesday, January 07, 2014 2:32 PM  
To: Pirzadeh, Michelle  
Cc: Rodriguez, Socorro; *EX 6*  
Subject: Request for approval for outside employment

Hi Michelle –

I spoke with Socorro today and she suggested that I can get your approval electronically, using the following format. This is consistent with other similar requests she has recently reviewed.

By this email, I am requesting approval for outside employment based on the following information.

- your name, title and grade;



approval of your request for outside activity  
Justina Fugh to: FOIA EXG  
Cc: Richard Ossias

08/19/2009 03:56 PM

Hi EXG

I have approved your request to engage in outside activity provided that you ensure that a disclaimer is included. Pursuant to 5 CFR 2635.807(b)(2), you may use or permit the use of your title or position in connection with any article published in a professional journal so long as the title or position is accompanied by a reasonably prominent disclaimer that **the views expressed in the article are your own and do not necessarily represent the views of the United States Environmental Protection Agency or the United States**. Because you are writing for a professional journal, you do not need to include two other biographical details, though I note that doing so underscores that you are not writing in your official capacity.

Here is the signed approval; the original is in your file in my office:



EXG .outside activity PDF

Justina

Justina Fugh \* Senior Counsel for Ethics \* Office of General Counsel \* US EPA (Mail Code 2311A) \*  
Room 4308 Ariel Rios North \* Washington, DC 20460 \* phone 202-564-1786 / cell 202-731-3631 / fax  
202-564-1772



## MEMORANDUM

**TO:** Justina Fugh, Deputy Ethics Official  
Richard Ossias, Associate General Counsel, Air and Radiation Law Office

**FROM:** FOIA EXU

**DATE:** August 11, 2009

**RE:** Request for approval for outside activity

Through this memo, I am requesting formal approval to write an article on emissions trading that would appear in the spring 2010 issue of the magazine Natural Resources & Environment. NR&E is published by the American Bar Association's Section of Environment, Energy and Natural Resources. I provide below the information that EPA's supplemental regulations dictate must be included in this request. I would appreciate your reviewing this information. I would be happy to discuss the issue further if that would be helpful. Finally, please note that I have included space at the end of this memo for you to indicate your approval or disapproval.

Name: FOIA EXU

Title: Attorney Advisor, Air and Radiation Law Office, Office of General Counsel

Grade: 15

Nature of outside activity: Writing an article on emissions trading that would appear in the Spring 2010 issue of the magazine Natural Resources & Environment, which is published by the American Bar Association's Section of Environment, Energy and Natural Resources. The article would explore the debate over emissions trading programs, examine the potential impact of recent decisions vacating or remanding emissions trading programs, and identify legal issues regarding emissions trading which remain unresolved by the courts.

Outside Organization: American Bar Association

Time: Time devoted to activity: I expect it would take me approximately 20 hours to write the article. I will do the writing entirely outside of normal duty hours. No absences from work will be required.

Government Resources: No official duty time or government property, resources, or facilities not available to the general public will be used.



Compensation: I will not receive any compensation for the article.

Regulations: I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. 2635 (Subpart H on "outside activities") and Section 6401.102 (EPA's Supplemental Regulations)

Contracts: To the best of my knowledge, the American Bar Association does not hold any EPA assistance agreements or contracts.



\_\_\_\_\_  
APPROVED

\_\_\_\_\_  
DISAPPROVED

Richard Ossias, Associate General Counsel, Air and Radiation Law Office



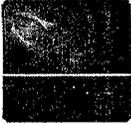
\_\_\_\_\_  
APPROVED

\_\_\_\_\_  
DISAPPROVED

Justina Fugh, Deputy Ethics Official

\* you must ensure that a disclaimer is used consistent with 5 CFR ~~2635~~ 2635.807(b)(2).





outside activity -- APPROVAL  
 Justina Fugh to: FOIA EX6  
 Cc: CarolAnn Siciliano

06/25/2010 01:36 PM

Hi EX6,

This note confirms that I have reviewed and approve your request to engage in outside activity to co-teach a 2 credit law school course on Chinese Environmental Law at FOIA EX6 Law School. For this work, you will receive compensation of \$ EX6 I determine that this course fits the exception to the ban on receiving compensation for work that is related to official duty since it is part of an established curriculum at an educational institution. This approval extends only to this one class. Should you teach any other class or at any other time, you will need to seek prior approval again.

Because you are engaged in this activity in your personal capacity, you are advised to abide by 5 CFR 2635.807(b)(2) in making reference to your official title and position. You can do so only as one of several biographical details with EPA not having any undue prominence. You will have to report this position and the income on your next financial disclosure report. I'll place a copy of this approval in your ethics file.  
 Justina

Justina Fugh \* Senior Counsel for Ethics \* Office of General Counsel \* US EPA (Mail Code 2311A) \* Room 4308 Ariel Rios North \* Washington, DC 20460 \* phone 202-564-1786 / cell 202-731-3631 / fax 202-564-1772

----- Forwarded by Justina Fugh/DC/USEPA/US on 06/25/2010 01:23 PM -----

From: Justina Fugh/DC/USEPA/US  
 To: FOIA EX6 DC/USEPA/US@EPA  
 Cc: CarolAnn Siciliano/DC/USEPA/US@EPA, fort.daniel@epa.gov  
 Date: 06/21/2010 12:41 PM  
 Subject: Re: (another) outside activity request

Hi EX6

This note confirms that I have reviewed your request to engage in outside activity to co-teach a 2 credit law school course on Chinese Environmental Law at the EX6 Law School. For this work, you will receive compensation of either \$ EX6 or \$ EX6 Your email provides two different amounts, so I'm not entirely sure what you will be receiving. Perhaps because this is a two credit class, you meant that you would receive \$ EX6 per class, but will teach two classes over the summer? At any rate, I determine that this course fits the exception to the ban on receiving compensation for work that is related to official duty since it is part of an established curriculum at an educational institution.

HOWEVER, I am NOT yet providing you with approval to engage in this activity because I need to hear from your supervisor about whether she believes that approving this outside activity -- and the conflict of interest ramifications -- will prevent you from performing your official duties. Pursuant to 18 USC 208 and 5 CFR 2635.802, employees shall not engage in outside employment that conflicts with official duty. The standard is whether you would be disqualified from matters so central or critical to the performance of your official duties that your ability to perform the duties of the position would be materially impaired.

Because you are negotiating for employment with EX6 Law School (VLS) for the summer, you have a financial conflict of interest with that institution pursuant to 18 USC 208. This means that (like EX6 ) EX6 you are prohibited from engaging in any particular matter that will have a direct and predictable financial effect upon EX6 As soon as you began negotiating for employment with EX6 for this course, you should have disqualified yourself from working on any project for EPA that deals directly with related to China. Neither you nor FOIA EX6 will be permitted to work on EX6 matters in which EX6 is participating. As I recall, EX6 receives a US AID grant or cooperative agreement. Carol Ann needs to assess whether she believes that your duties (given EX6 's already existing 18 USC 208 conflict of



interest) would leave OGC without anyone to work on the US AID project or not. Remember also that, if we approve you for this activity, you will have a one year cooling off period with ~~EX~~ under the impartiality regulations following the end of the summer. So Carol Ann needs to factor that length of time into her assessment as well.

Carol Ann -- do you believe that not having ~~EX~~ work on the China project when ~~EX~~ is involved is a critical problem for the office?

Justina Fugh \* Senior Counsel for Ethics \* Office of General Counsel \* US EPA (Mail Code 2311A) \* Room 4308 Ariel Rios North \* Washington, DC 20460 \* phone 202-564-1786 / cell 202-731-3631 / fax 202-564-1772

CarolAnn Siciliano ~~FOIA EXC~~ -- I approve this request. Carol Ann Sicilia... 06/21/2010 09:07:10 AM

From: CarolAnn Siciliano/DC/USEPA/US  
To: ~~FOIA EXC~~ DC/USEPA/US@EPA  
Cc: Daniel Fort/DC/USEPA/US@EPA, David Gravallesse/DC/USEPA/US@EPA, Justina Fugh/DC/USEPA/US@EPA  
Date: 06/21/2010 09:07 AM  
Subject: Re: (another) outside activity request

---

~~FOIA EXC~~ -- I approve this request.

Carol Ann Siciliano  
Associate General Counsel  
Cross-Cutting Issues Law Office  
Office of General Counsel  
(202) 564-5489

~~FOIA EXC~~ Hi, Carol Ann - Per my voice mail, here is another... 06/18/2010 12:54:30 PM

From: ~~FOIA EXC~~ DC/USEPA/US  
To: CarolAnn Siciliano/DC/USEPA/US@EPA  
Cc: Justina Fugh/DC/USEPA/US@EPA, Daniel Fort/DC/USEPA/US@EPA, David Gravallesse/DC/USEPA/US@EPA  
Date: 06/18/2010 12:54 PM  
Subject: (another) outside activity request

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Hi, Carol Ann -

Per my voice mail, here is another outside activity request (which I have discussed with Dave). My understanding is that Justina would need to hear from you on whether you're ok with this request before she passes on the request from an ethics standpoint.

Please don't hesitate to call me if you have any questions or concerns.

Justina and Dan - I'm CCing you at this point in case you see anything in the request that I should clarify or modify before it goes to you.



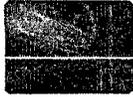
outsideactivityrequest.doc

Thanks,

~~FOIA EXC~~

International Environmental Law Practice Group  
EPA Office of General Counsel





outside activity -- APPROVAL  
Justina Fugh to: FOIA EXC

06/14/2010 04:42 PM

Hi

This note confirms that I have reviewed and approve your request to engage in outside activity to teach a class on environmental law for the FOIA EXC University. For this work you will receive compensation of approximately \$ EXC I determine that this course fits the exception to the ban on receiving compensation for work that is related to official duty since it is part of an established curriculum at an educational institution. This approval extends only to this one class. Should you teach any other class or at any other time, you will need to seek prior approval again.

Because you are engaged in this activity in your personal capacity, you are advised to abide by 5 CFR 2635.807(b)(2) in making reference to your official title and position. You can do so only as one of several biographical details with EPA not having any undue prominence. You will have to report this position and the income on your next financial disclosure report. I'll place a copy of this approval in your ethics file.  
Justina

Justina Fugh \* Senior Counsel for Ethics \* Office of General Counsel \* US EPA (Mail Code 2311A) \*  
Room 4308 Ariel Rios North \* Washington, DC 20460 \* phone 202-564-1786 / cell 202-731-3631 / fax  
202-564-1772

CarolAnn Siciliano I approve EXC request. Carol Ann Siciliano

06/11/2010 05:44:24 PM

From: CarolAnn Siciliano/DC/USEPA/US  
To: Justina Fugh/DC/USEPA/US@EPA, FOIA EXC DC/USEPA/US@EPA  
Cc: Daniel Fort/DC/USEPA/US@EPA  
Date: 06/11/2010 05:44 PM  
Subject: Re: outside activity

I approve FOIA EXC request.

Carol Ann Siciliano  
Associate General Counsel  
CCILO

Justina Fugh

----- Original Message -----

From: Justina Fugh  
Sent: 06/11/2010 05:22 PM EDT  
To: FOIA EXC  
Cc: CarolAnn Siciliano; Daniel Fort  
Subject: Re: outside activity

Oh, weird! I just sent you a note on this!

I do need to hear from CarolAnn herself, not via you, but then I'll be able to provide the approval.

FOIA EXC

Hi, Justina - I just wanted to follow-up on our co...

06/11/2010 04:39:57 PM

From: FOIA EXC DC/USEPA/US  
To: Justina Fugh/DC/USEPA/US@EPA  
Cc: CarolAnn Siciliano/DC/USEPA/US@EPA, Daniel Fort/DC/USEPA/US@EPA  
Date: 06/11/2010 04:39 PM  
Subject: outside activity



Hi, Justina -

I just wanted to follow-up on our conversation yesterday. Dan pointed me to 5 CFR 6401.103 for the information that I need to provide to you - please let me know if there is anything missing or that needs to be clarified. I have already discussed this with Carol Ann, and she is on board.

This is a request for approval of outside activity for FOIA EX 6, Attorney, GS 15.

The outside activity is to co-teach a 1 credit (approximately 12 hour) law school course. The course is part of the official curriculum of the law school's summer session.

(See <http://www.foia-ex6.edu/environment/summer/>). This course has been offered by other instructors in past years. The amount of compensation expected is \$ EX 6 for the course.

The course would be taught at FOIA EX 6 College of Law. I estimate that I would devote 12 hours (class time) + 10 hours (preparation) to this activity. I would attend and teach the course over multiple sessions (4-5 separate classes). The bulk of the course would take place in the evening outside of normal duty hours, although I estimate that I will take 4.5 hours of annual leave to ensure that I get to the course on time.

No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this activity.

The basis for compensation is \$ or teaching the entire course. (Is that considered "fee"?). I have read, am familiar with, and will abide by, the restrictions described in 5 CFR part 2635 and 6401.102.

I am aware of no EPA assistance agreements or contracts held by FOIA EX. 6 EX 6 College of Law.

Thanks,

FOIA EX 6  
International Environmental Law Practice Group  
EPA Office of General Counsel  
Tel. 202- FOIA  
Fax 202- EX 6

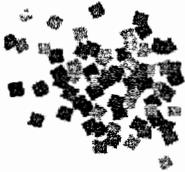


Peggy Love/DC/USEPA/US  
07/25/2008 04:24 PM

To FOIA C/L n/DC/USEPA/US@EPA  
cc David Gravallesse/DC/USEPA/US@EPA, CarolAnn  
Siciliano/DC/USEPA/US,  
bcc  
Subject Re: Fw: request for outside employment

I have reviewed your attached request to teach a course on Chinese Environmental Law and Policy during the fall semester of the 2008-09 academic year. I understand that you have read and are familiar with and will abide by the restrictions described in the Standards of Ethical Conduct for Employees of the Executive Branch, 5 CFR 2635, and the EPA Supplemental Ethics Regulations at 5 CFR 6401.102. I approve your request and will place a copy of this e-mail in your ethics file that I have in my office.

Peggy Love  
Attorney (Ethics)  
Deputy Ethics Official (DEO)  
Office of General Counsel  
7439 AR-N  
(202) 564-1784  
CarolAnn Siciliano/DC/USEPA/US



CarolAnn  
Siciliano/DC/USEPA/US  
07/24/2008 10:01 AM

To FOIA EX6 /DC/USEPA/US@EPA, Peggy  
Love/DC/USEPA/US@EPA  
cc David Gravallesse/DC/USEPA/US@EPA  
Subject Fw: request for outside employment

EX4 - I approve your request.

Carol Ann Siciliano  
Office of General Counsel  
(202) 564-5489

----- Forwarded by CarolAnn Siciliano/DC/USEPA/US on 07/24/2008 10:01 AM -----



EX4 /DC/USEPA/US  
07/17/2008 03:37 PM

To CarolAnn Siciliano/DC/USEPA/US@EPA  
cc David Gravallesse/DC/USEPA/US@EPA  
Subject request for outside employment

Carol Ann

I talked with Peggy Love about teaching Chinese Environmental Law with EX6 next semester at EX6 or maybe EX4, and she said all I need to do is the usual outside employment request as several of us have done in previous year for teaching law courses. EX6 may also have to talk with her or Justina about other post-employment aspects that might apply to him).



I wrote up the request following the format she provided. She said it should go to immediate supervisor for approval, and then if you approve, you transmit it to her for ethics approval. Here is the request:



outside employmentapprovalrequest.doc

Thanks,

FOIA EXU

International Environmental Law Practice Group

EPA Office of General Counsel

Tel. 202-564-5411

Fax 202-564-5541



Request for Approval of Outside Employment

This is a request for approval of outside employment activity for FOIA EXC Attorney-Advisor, Grade 15. The nature of the outside activity is to teach a course on Chinese Environmental Law and Policy during the fall semester of the 2008-2009 academic year. The expected compensation is \$ EXC \$ EXC

The class would be taught at either ( FOIA EXC University Law School ( FOIA EXC or FOIA EXC School for FOIA EXEMPTIONS Studies EXC I estimate that the time to be devoted to the class would be 20 hours in class + 50 hours class preparation and grading. This would require between 0 to 30 hours absence, depending on whether the class is scheduled for nighttime (i.e. entirely outside of normal duty hours) or for a time that overlaps the work day. (The school cannot schedule the class until my participation is approved).

No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment.

The compensation for adjunct faculty is on a per class basis.

I have read, are familiar with and will abide by the restrictions described in 5 CFR 2635 and 6401.102. I know of no EPA assistance agreement or contract held by GWLS or SAIS.



Peggy  
Love/DC/USEPA/US  
12/28/2006 05:02 PM

To FOIA EXC DC/USEPA/US  
cc David Wagner/DC/USEPA/US@EPA, Peggy Love,  
bcc  
Subject Re: Fw: teaching

If you are teaching the same course, you do not need to do another request. A request is good for 5 years.

Peggy Love  
Attorney (Ethics)  
Deputy Ethics Official (DEO)  
Office of General Counsel  
7439 AR-N  
(202) 564-1784  
FOIA EXC /DC/USEPA/US



FOIA EXC  
S n/DC/USEPA/US  
12/19/2006 04:17 PM

To Peggy Love/DC/USEPA/US@EPA  
cc David Wagner/DC/USEPA/US@EPA  
Subject Fw: teaching

Peggy -

I am teaching international environmental law at Howard University Law School again this coming semester. Do we need to go through the 5 CFR 6401.103 exercise again, or does last year's approval still hold?

Thanks,

FOIA EXC  
International Environmental Law Office  
EPA Office of General Counsel  
Tel. 202-564-5411  
Fax 202-564-5412

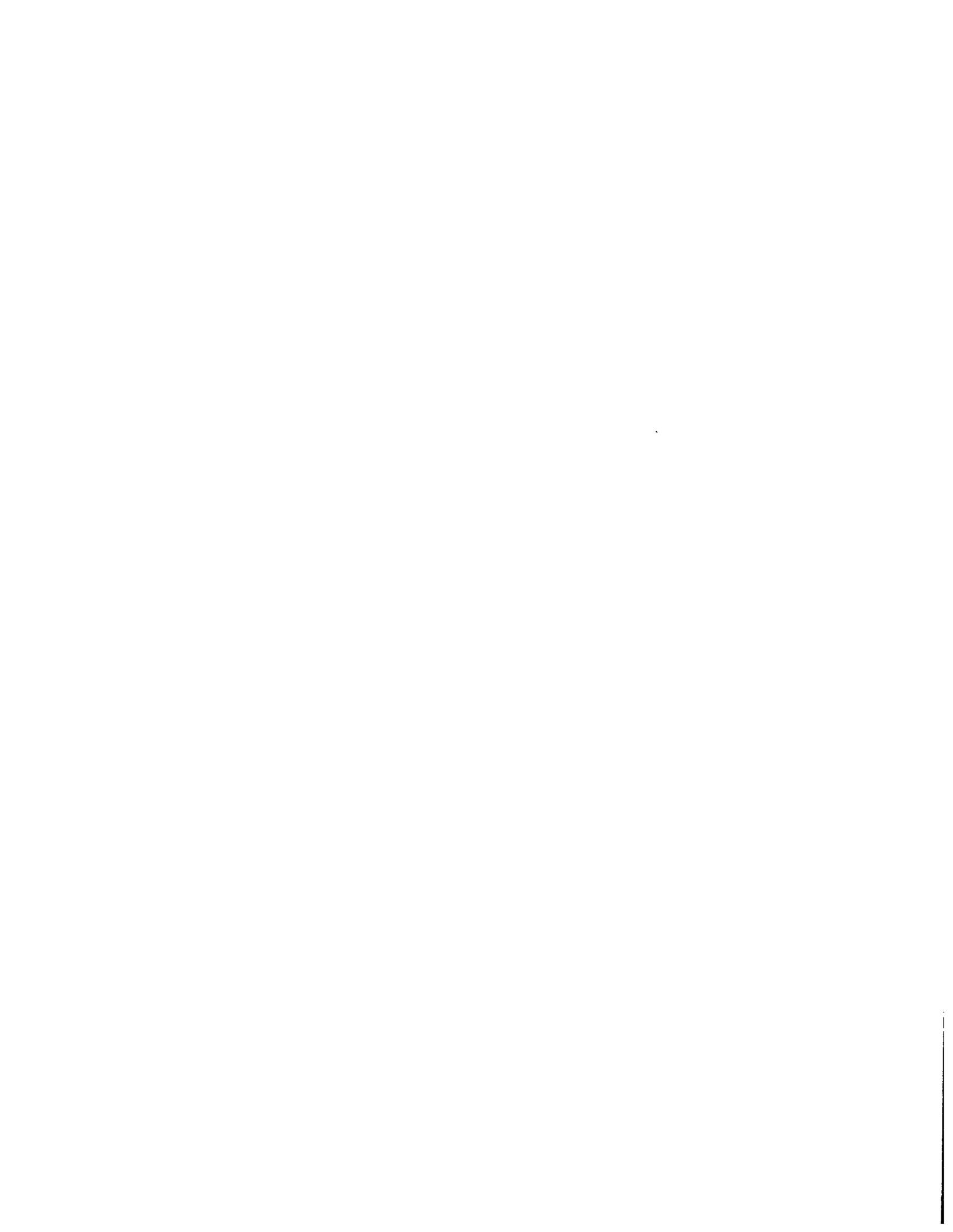
----- Forwarded by Steve Wolfson/DC/USEPA/US on 12/19/2006 04:15 PM -----



EXC  
S /DC/USEPA/US  
12/14/2005 09:35 AM

To roger martella  
cc  
Subject Fw: teaching

Roger --



Under the ethics regs., I need to check with you as my immediate supervisor to see if you have any objection to me teaching next semester before I formally forward this form to our Deputy Ethics Official for approval. The class is in the evenings so it should not conflict with work meetings, and I'll be teaching with another attorney, so I'll be able to plan around any official trips.

Thanks,

FOIA EXL  
International Environmental Law Office  
EPA Office of General Counsel  
Tel. 202-564-5411  
Fax 202-564-5412

--- Forwarded by FOIA EXL /DC/USEPA/US on 12/14/2005 09:26 AM ---

Peggy  
Love/DC/USEPA/  
US  
12/13/2005 05:43  
PM  
To FOIA EXL DC/USEPA/US@EPA  
cc Peggy Love/DC/USEPA/US@EPA  
Subject Re: teaching

EXL This looks good. If Roger has not objection, you can forward it to me since I am the DEO for OGE. Thanks.

Peggy Love  
Attorney (Ethics)  
Deputy Ethics Official (DEO)  
Office of General Counsel  
7454K AR-N  
(202) 564-1784  
FOIA EXL /DC/USEPA/US

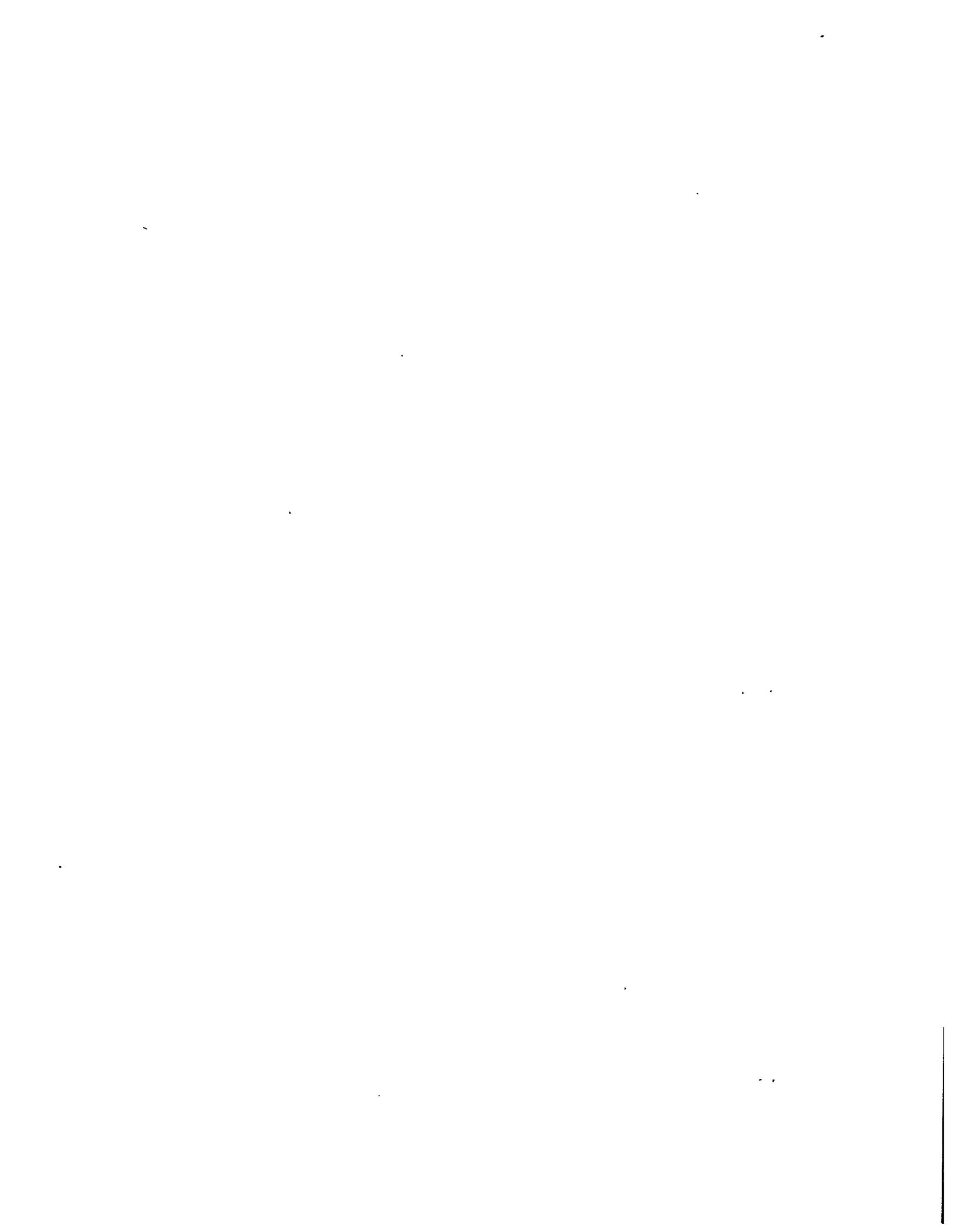
 EXL  
A/US /DC/USEP  
12/13/2005 05:24  
PM  
To Peggy Love/DC/USEPA/US@EPA  
cc  
Subject Re: teaching

Peggy --

If I've covered all the the right bases, I can re-send this with a cc to Roger Martella, who is Acting Office Director for OGC's International Environmental Law Office, and hence my immediate supervisor.

1) Name: FOIA EXL  
Title: Senior Attorney  
Grade: 15

2) Nature of the activity: teaching a seminar course in International Environmental Law at EXL University School of Law. I will be co-teaching with another attorney, as part of a volunteer effort by a number of lawyers in town to help FOIA EXL develop an environmental law program. We will not be receiving any compensation for teaching the course.



- 3) Name of the organization where the work will be done: FOIA EX 6, University School of Law
- 4) Estimated time to be devoted to the activity: 35 hours in the classroom + 35 hours meeting with students + 100 hours preparation = 170 hours total
- 5) Estimated hours of absence from work: 10 (I will need to leave a little early on Tuesdays to be at the classroom on time -- I have ample leave to cover this).
- 6) Statement: No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.
- 7) Basis for compensation: No compensation
- 8) Statement: I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and Section 6401.102.
- 9) I am not aware of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

FOIA EX 6  
 International Environmental Law Office  
 EPA Office of General Counsel  
 Tel. 202  
 Fax 202- FOIA EX 6

Peggy Love/DC/USEPA/US

Peggy  
 Love/DC/USEP  
 A/US  
 12/12/2005  
 07:41 AM

To FOIA EX 6 /DC/USEPA/US@EPA  
 cc Peggy Love/DC/USEPA/US@EPA, Kenneth Wernick@EPA  
 Subject Re: teaching

FOIA EX 6

You need to get permission from your deputy ethics official in accordance with the EPA Supplemental Ethics Regulation, 5 CFR 6401.103. Here is the link to the regulation:  
[http://www.access.gpo.gov/nara/cfr/waisidx\\_02/5cfr6401\\_02.html](http://www.access.gpo.gov/nara/cfr/waisidx_02/5cfr6401_02.html)

Peggy Love  
 Attorney (Ethics)  
 Deputy Ethics Official (DEO)  
 Office of General Counsel  
 7454K AR-N  
 (202) 564-1784  
 FOIA EX 6 /DC/USEPA/US



EX 6 /DC/US

To Peggy Love/DC/USEPA/US@EPA





SEPA/US

12/08/2005  
10:26 AM

cc

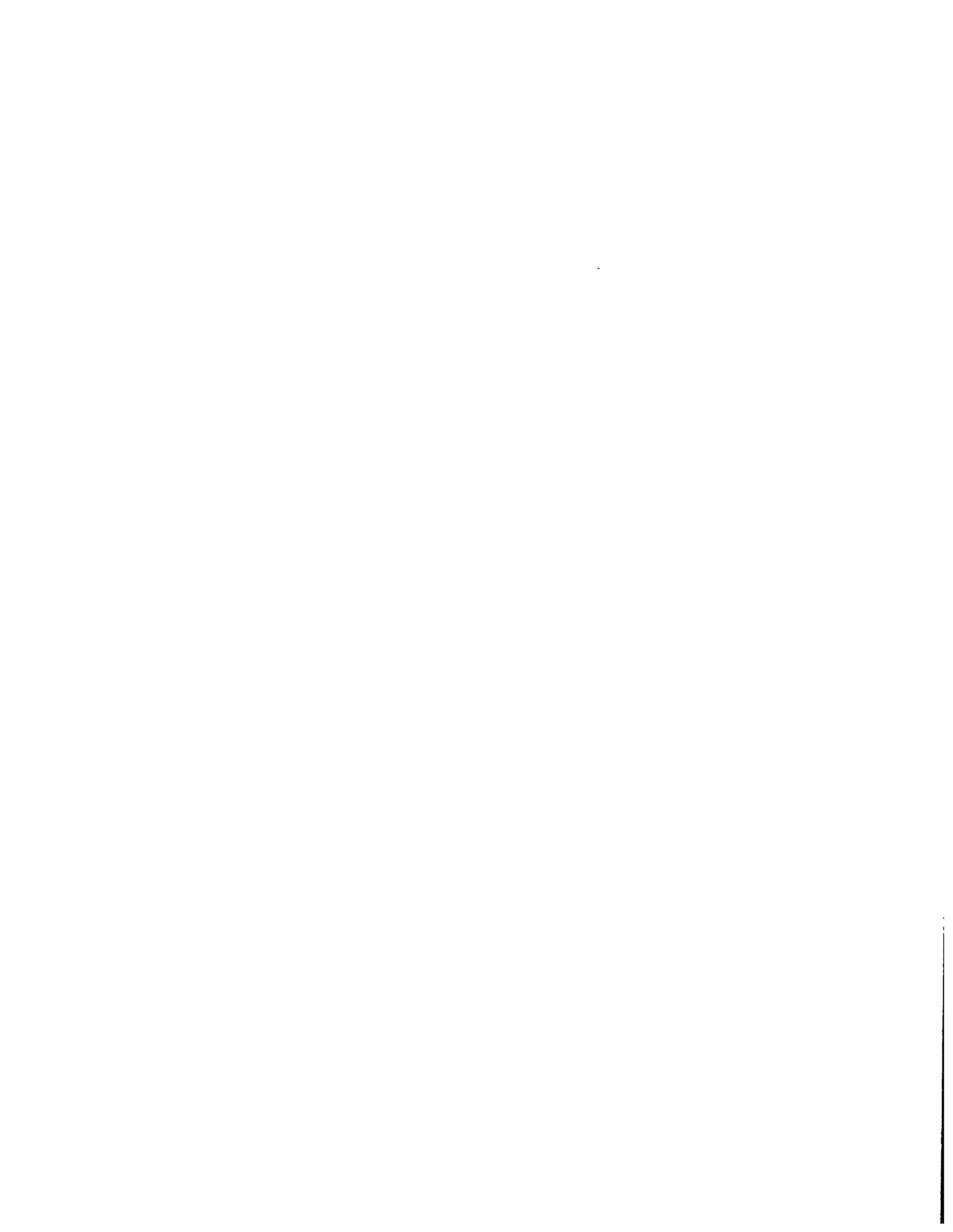
Subject teaching

Peggy --

I will be teaching a course in International Environmental Law at <sup>FOIA</sup> University School of Law next semester (starting in January). I had heard that there might be an ethics form or something like that required, so wanted to check w/ you. I will be co-teaching with another lawyer, as part of a broader effort by a number of lawyers in town to help Howard develop an environmental law program. We will not be receiving any pay or fee for teaching the course.

Thanks,

FOIA EX6  
International Environmental Law Office  
EPA Office of General Counsel  
Tel. 202-564-5411  
Fax 202-564-5412



Peggy Love/DC/USEPA/US  
12/14/2005 04:06 PM

To FOIA EX 6 /DC/USEPA/US  
cc Peggy Love/DC/USEPA/US, Roger Martella/DC/USEPA/US,  
Kenneth Wernick,  
bcc  
Subject Re: Fw: teaching

I have reviewed your request below to co-teach a seminar course in International Environmental Law at EX 6 University School of Law and have no objection from an ethics perspective. I will put a copy of this e-mail in your ethics folder.

Peggy Love  
Attorney (Ethics)  
Deputy Ethics Official (DEO)  
Office of General Counsel  
7454K AR-N  
(202) 564-1784  
FOIA EX 6 /DC/USEPA/US



FOIA  
EX 6 JC/USEPA/US  
12/14/2005 10:16 AM

To Peggy Love/DC/USEPA/US@EPA  
cc  
Subject Fw: teaching

Roger's on board

Thanks,

FOIA EX 6  
International Environmental Law Office  
EPA Office of General Counsel  
Tel. 202-564-5411  
Fax 202-564-5412

--- Forwarded by FOIA EX 6 n/DC/USEPA/US on 12/14/2005 10:12 AM ---

Roger  
Martella/DC/USEPA/US  
12/14/2005 10:07 AM

To FOIA EX 6 JC/USEPA/US@EPA  
cc  
Subject Re: teaching

Ok with me so long as Peggy and Ken are ok. Thanks. --Roger

FOIA EX 6

From: FOIA EX 6  
Sent: 12/14/2005 09:35 AM  
To: Roger Martella  
Subject: Fw: teaching



Roger --

Under the ethics regs., I need to check with you as my immediate supervisor to see if you have any objection to me teaching next semester before I formally forward this form to our Deputy Ethics Official for approval. The class is in the evenings so it should not conflict with work meetings, and I'll be teaching with another attorney, so I'll be able to plan around any official trips.

Thanks,

FOIA EX6

International Environmental Law Office  
EPA Office of General Counsel

Tel. 202- EX6  
Fax 202- EX6

----- Forwarded by FOIA EX6 n/DC/USEPA/US on 12/14/2005 09:26 AM -----

Peggy Love/DC/USEPA/US

12/13/2005 05:43 PM

To FOIA EX6 /DC/USEPA/US@EPA

cc Peggy Love/DC/USEPA/US@EPA

Subject Re: teaching

- This looks good. If Roger has not objection, you can forward it to me since I am the DEO for OGE. Thanks.

Peggy Love  
Attorney (Ethics)  
Deputy Ethics Official (DEO)  
Office of General Counsel  
7454K AR-N  
(202) 564-1784

FOIA EX6 /DC/USEPA/US



EX6 n/DC/USEPA/US

12/13/2005 05:24 PM

To Peggy Love/DC/USEPA/US@EPA

cc

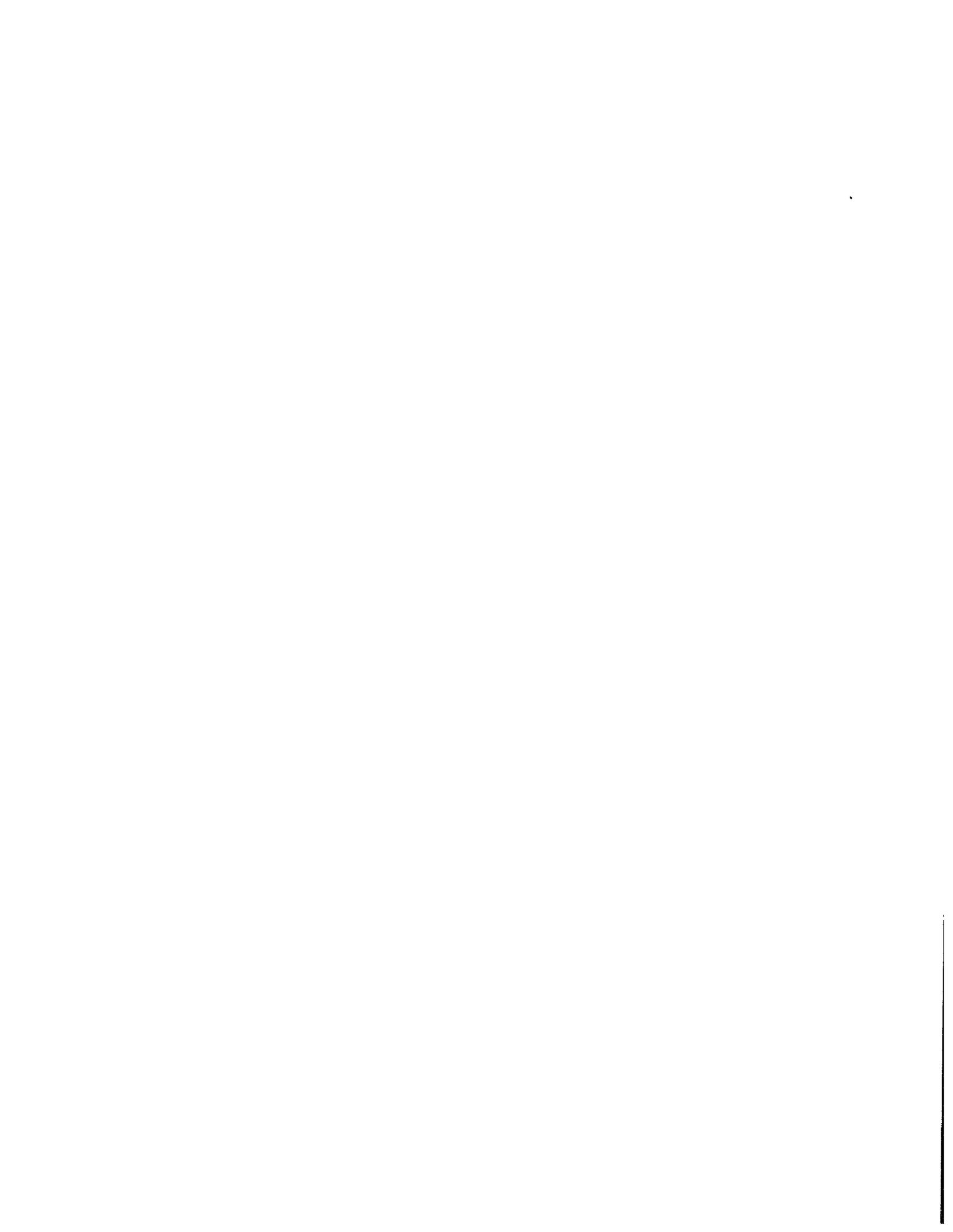
Subject Re: teaching

Peggy --

If I've covered all the the right bases, I can re-send this with a cc to Roger Martella, who is Acting Office Director for OGC's International Environmental Law Office, and hence my immediate supervisor.

1) Name: FOIA EX6  
Title: Senior Attorney  
Grade: 15

2) Nature of the activity: teaching a seminar course in International Environmental Law at EX6 University School of Law. I will be co-teaching with another attorney, as part of a volunteer effort by a number of lawyers in town to help EX6 develop an environmental law program. We will not be receiving any compensation for teaching the course.



- 3) Name of the organization where the work will be done: EX 6 University School of Law
- 4) Estimated time to be devoted to the activity: 35 hours in the classroom + 35 hours meeting with students + 100 hours preparation = 170 hours total
- 5) Estimated hours of absence from work: 10 (I will need to leave a little early on Tuesdays to be at the classroom on time -- I have ample leave to cover this).
- 6) Statement: No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.
- 7) Basis for compensation: No compensation
- 8) Statement: I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and Section 6401.102.
- 9) I am not aware of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

FOIA EX 6  
International Environmental Law Office  
EPA Office of General Counsel  
Tel. 202-564-5411  
Fax 202-564-5412

Peggy Love/DC/USEPA/US

Peggy Love/DC/USEPA/US  
12/12/2005 07:41 AM

To FOIA EX 6 DC/USEPA/US@EPA  
cc Peggy Love/DC/USEPA/US@EPA, Kenneth Wernick@EPA  
Subject Re: teaching 

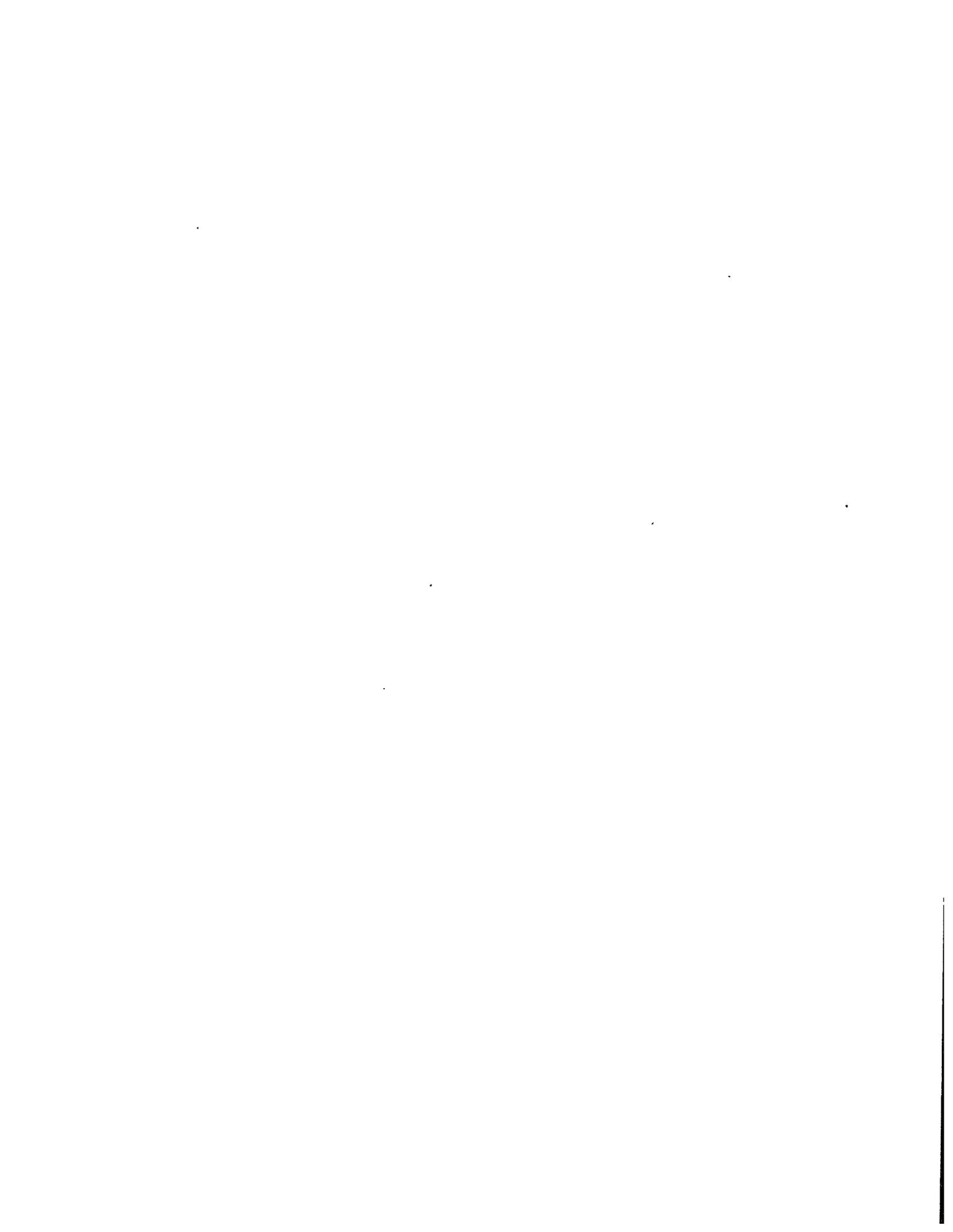
You need to get permission from your deputy ethics official in accordance with the EPA Supplemental Ethics Regulation, 5 CFR 6401.103. Here is the link to the regulation:  
[http://www.access.gpo.gov/nara/cfr/waisidx\\_02/5cfr6401\\_02.html](http://www.access.gpo.gov/nara/cfr/waisidx_02/5cfr6401_02.html)

Peggy Love  
Attorney (Ethics)  
Deputy Ethics Official (DEO)  
Office of General Counsel  
7454K AR-N  
(202) 564-1784  
FOIA EX 6 DC/USEPA/US



EX 6 DC/USEPA/US  
12/08/2005 10:26 AM

To Peggy Love/DC/USEPA/US@EPA





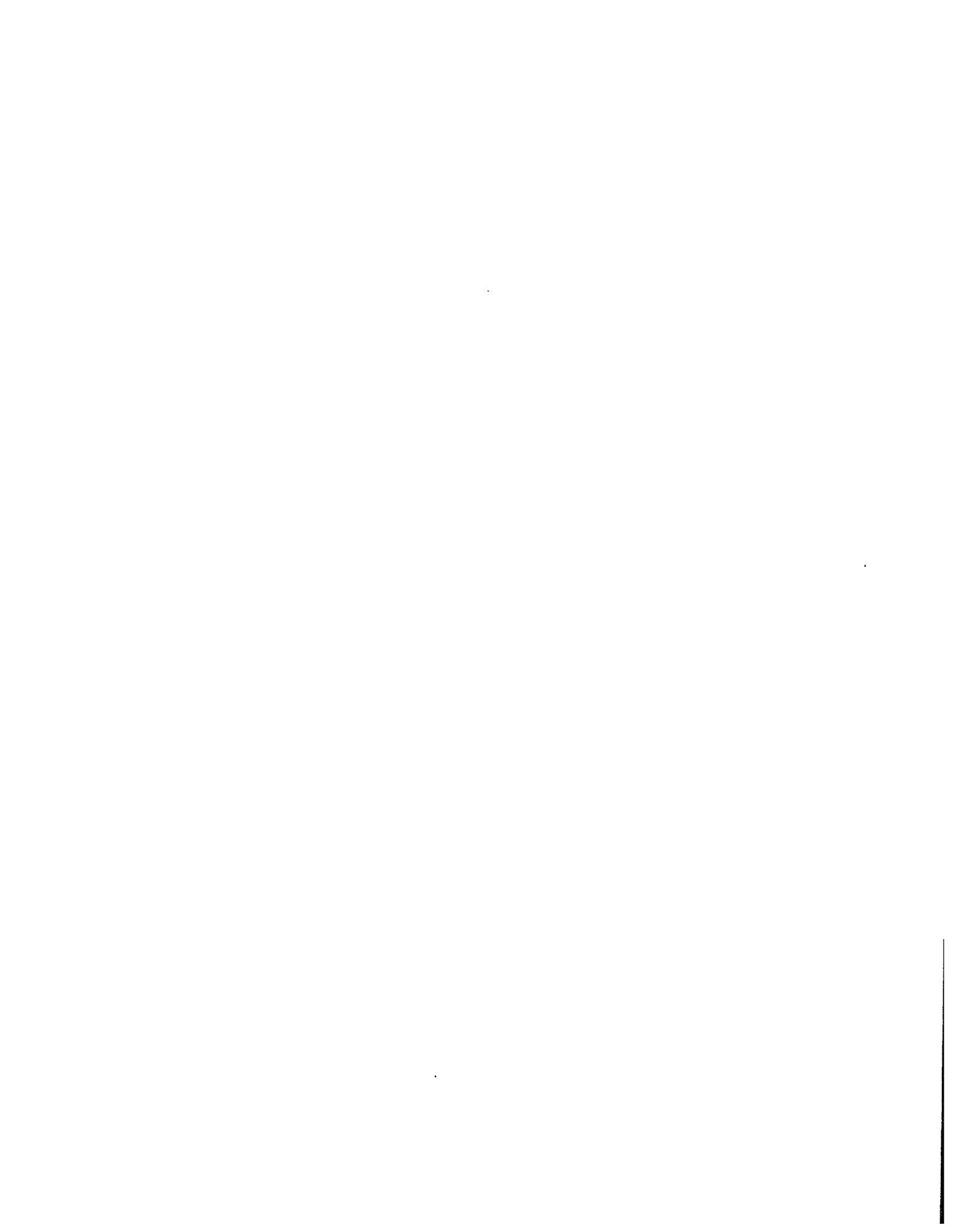
cc  
Subject teaching

Peggy --

I will be teaching a course in International Environmental Law at ~~FOIA EX6~~ University School of Law next semester (starting in January). I had heard that there might be an ethics form or something like that required, so wanted to check w/ you. I will be co-teaching with another lawyer, as part of a broader effort by a number of lawyers in town to help ~~EX6~~ develop an environmental law program. We will not be receiving any pay or fee for teaching the course.

Thanks,

~~FOIA EX6~~  
International Environmental Law Office  
EPA Office of General Counsel  
Tel. 202-564-5411  
Fax 202-564-5412



Peggy Love/DC/USEPA/US  
09/11/2008 02:32 PM

To FOIA EX6 /DC/USEPA/US  
cc  
bcc  
Subject Re: prior approval request for ~~EX6~~ Advice & Referral  
Clinic this Saturday

EX6 -

I have reviewed and approve your request below to attend the Advice & Referral Clinic  
this weekend.

Peggy Love  
Attorney (Ethics)  
Deputy Ethics Official (DEO)  
Office of General Counsel  
7439 AR-N  
(202) 564-1784  
Jennifer Wills/DC/USEPA/US

FOIA EX6 /DC/USEPA/US  
09/09/2008 02:51 PM

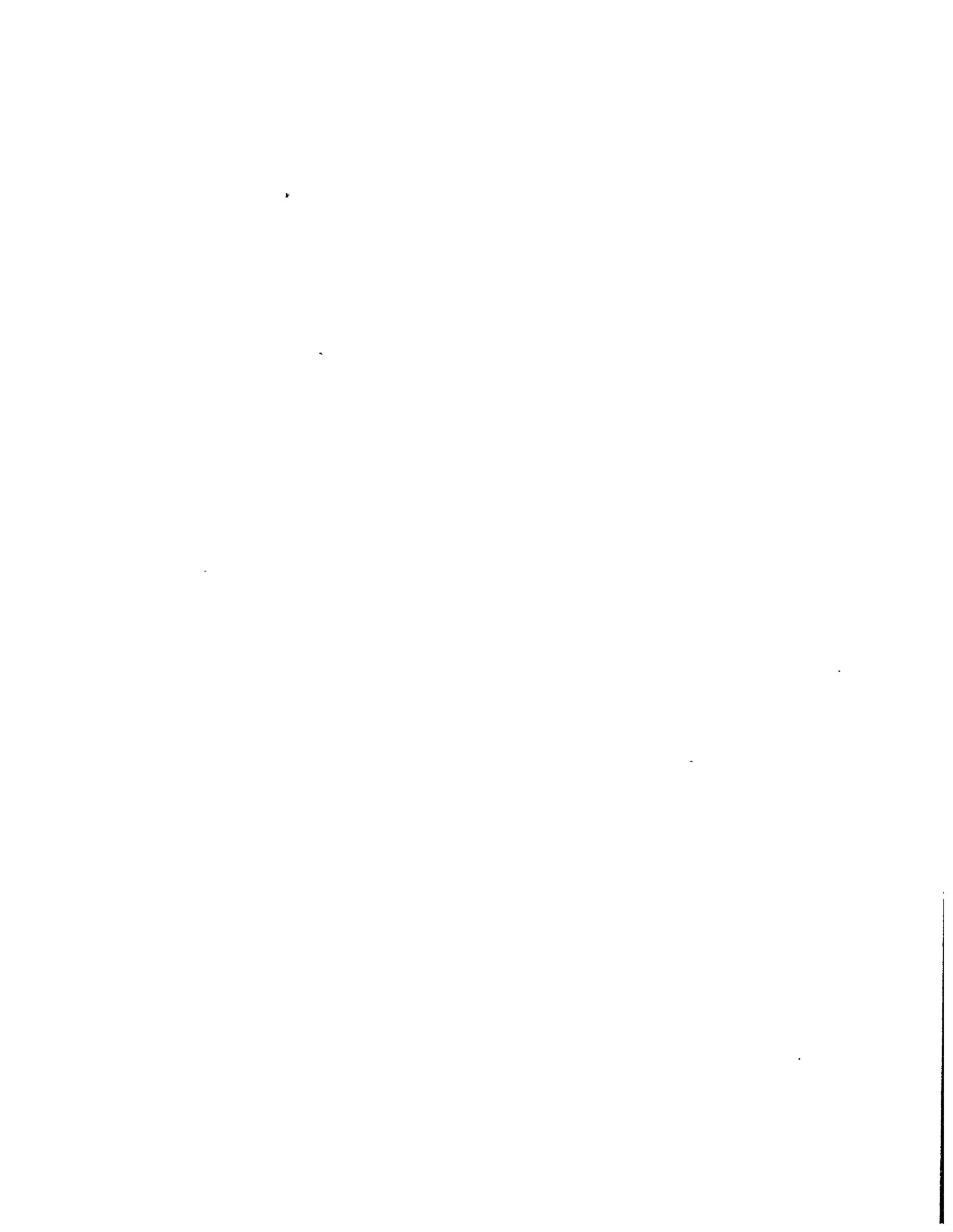
To Peggy Love/DC/USEPA/US@EPA  
cc  
Subject prior approval request for DC Bar Advice & Referral Clinic  
this Saturday

Peggy,

This is my request for approval for the EX6 Advice & Referral Clinic that I'd like to attend this weekend. I believe last time you said that it wasn't necessary since there will be no representation of clients at the clinic. Since there is no representation of clients, does this mean it does not count as pro bono? Below is my request. Please let me know whether it's approved or not needed. Thanks!

- 1 FOIA EX6 , attorney-advisor (OGC, PTSLO), GS-14
2. I will be participating at the EX6 Advice and Referral Clinic where volunteers meet with people to see if they have legal issues that might need referral to an attorney with expertise in a particular area. I will receive no compensation for this work and I will not be representing clients at the clinic.
3. DC Bar
4. 3.0 hours
5. This will be performed entirely outside normal duty hours.
6. I have read and am familiar with 5 CFR Parts 2635 and 6401.103
7. I will not be providing pro bono services to any person who is doing business with EPA.

FOIA EX6  
U.S. Environmental Protection Agency  
Office of General Counsel  
1200 Pennsylvania Ave., NW  
MC 2333A  
Washington, DC 20460  
(202) 564-7661



Peggy Love/DC/USEPA/US  
01/23/2008 03:48 PM

To ~~FOIA EX 6~~ s/DC/USEPA/US  
cc Brenda Mallory/DC/USEPA/US  
bcc  
Subject Re: ABA article

I have reviewed and approve your request below to write an article on regulatory updates for the Agricultural Management committee newsletter. This committee is a committee of the American Bar Association's Section on Environment Energy and Resources. I will place a copy of this e-mail in your ethics file that I keep in my office.

Peggy Love  
Attorney (Ethics)  
Deputy Ethics Official (DEO)  
Office of General Counsel  
7439 AR-N  
(202) 564-1784  
Brenda Mallory/DC/USEPA/US

Brenda  
Mallory/DC/USEPA/US  
01/22/2008 06:08 PM

To ~~FOIA EX 6~~/DC/USEPA/US@EPA, Peggy  
Love/DC/USEPA/US@EPA  
cc  
Subject Re: ABA article

Thanks, ~~EX 6~~ r. Peggy -- see below.

Brenda Mallory  
Associate General Counsel, Pesticide and Toxic Substances Law Office  
U.S. Environmental Protection Agency  
(202) 564-0633 (telephone)  
(202) 564- 5644 (fax)  
mallory.brenda@epa.gov  
~~FOIA EX 6~~ /DC/USEPA/US

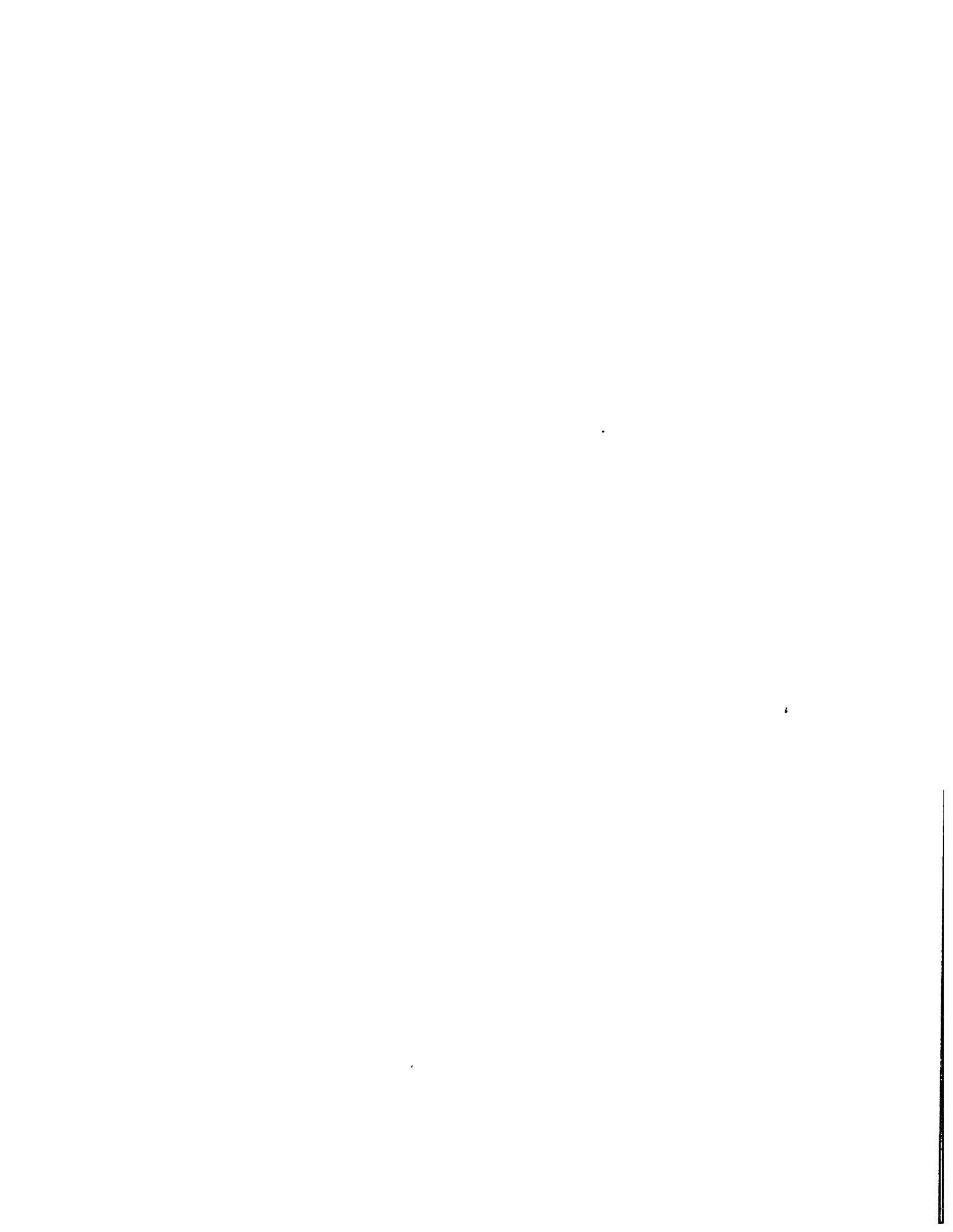
~~FOIA EX 6~~ USEPA/US  
01/22/2008 01:11 PM

To Brenda Mallory/DC/USEPA/US@EPA  
cc  
Subject Re: ABA article

Brenda,

This is my request for permission to write an article for an ABA committee newsletter. I have cut and pasted the relevant provisions of section 6401.103 into this email and my responses are in red.

According to section 6401.103, this email must "be sent through the employee's immediate supervisor (for the supervisor's information)" to Peggy Love, DEO. I read this to mean that you send it to Peggy. If this is



incorrect, please let me know and I'll send it to Peggy and cc you.

Thanks,

FORA EXL

**§ 6401.103 Prior approval for outside employment.**

(b) *Form and content of request.* The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor (for the supervisor's information) and shall include:

(1) Employee's name, title and grade;

FORA EXL Attorney Advisor, GS 14

(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;

I would like permission to write a short article on regulatory updates for the Agricultural Management committee newsletter. This committee is a committee of the American Bar Association's Section on Environment Energy and Resources. I will not be compensated.

(3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);

AMERICAN BAR ASSOCIATION, Section of Environment, Energy, and Resources,  
321 North Clark Street, Chicago, IL 60610

(4) The estimated time to be devoted to the activity;

I expect to work approximately 10-17 hours on it.

(5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);

This will be done on my personal time entirely outside of normal duty hours.

(6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;

No official duty time or Government property, resources or facilities not available to the general public will be used in connection with writing this article.

(7) The basis for compensation (e.g., fee, per diem, per annum, etc.);

N/A

(8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102; and

I am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102.

(9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

I don't understand this requirement. I will have to submit a Publication Agreement to the ABA. Is that what #9 is referring to?



Peggy Love/DC/USEPA/US

Peggy Love/DC/USEPA/US

01/14/2008 09:11 AM

To FOIA EXC DC/USEPA/US@EPA

cc

Subject Re: ABA article

Hi FOIA EXC

Congratulations! In accordance with the EPA Supplemental Ethics regulations, you need to get permission from me as your DEO to write the article. You can send me an e-mail following the steps in the regulation at 5 CFR 6401.103. Here is the link:

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=2fdbaa6e566574f9a015304be9990b2&rgn=div5&view=text&node=5:3.0.34.11.1&idno=5>

I am sure it will be okay from an ethics perspective.

Peggy Love  
Attorney (Ethics)  
Deputy Ethics Official (DEO)  
Office of General Counsel  
7439 AR-N  
(202) 564-1784  
FOIA EXC DC/USEPA/US

FOIA EXC DC/USEPA/US

01/14/2008 08:39 AM

To Peggy Love/DC/USEPA/US@EPA

cc

Subject ABA article

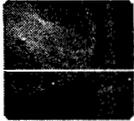
Peggy,

I've been asked to write a regulatory update for an ABA committee's newsletter. The committee is the Agricultural Management committee of the Section of Environment Energy and Resources. I believe I may have asked you about writing an article previously but only now am I in a position to write one. What do I need to do to ethics-wise to write for this newsletter?

Thanks,

FOIA EXC





To: FOIA EX6 /DC/USEPA/US,  
 Cc: Brenda Mallory/DC/USEPA/US, ,  
 Bcc:  
 Subject: Re: request for prior approval for outside activity (pro bono)

---

Hi FOIA EX6

This note confirms that I have reviewed and approve your request to engage in outside activity to provide pro bono legal services as described below. I will print out a copy of this approval for your financial disclosure file.

Justina

Justina Fugh \* Senior Counsel for Ethics \* Office of General Counsel \* US EPA (Mail Code 2311A) \*  
 Room 4308 Ariel Rios North \* Washington, DC 20460 \* phone 202-564-1786 / cell 202-731-3631 / fax  
 202-564-1772

Brenda Mallory FOIA EX6 I approve your undertaking this pro bo... 01/08/2010 10:35:13 AM

From: Brenda Mallory/DC/USEPA/US  
 To: EX6 /DC/USEPA/US  
 Cc: Justina Fugh/DC/USEPA/US@EPA  
 Date: 01/08/2010 10:35 AM  
 Subject: Re: request for prior approval for outside activity (pro bono)

---

FOIA EX6 I approve your undertaking this pro bono matter on your personal time under the circumstances you have described below. Thanks.

Brenda Mallory  
 Associate General Counsel, Pesticide and Toxic Substances Law Office  
 U.S. Environmental Protection Agency  
 (202) 564-0633 (telephone)  
 (202) 564- 5644 (fax)  
 mallory.brenda@epa.gov

FOIA EX6 Brenda, Below is my request for prior approval t... 01/08/2010 09:12:33 AM





Re: request for prior approval for outside activity (pro bono)   
 Brenda Mallory to: FOIA EXL S  
 Cc: Justina Fugh

01/08/2010 10:35 AM

EXL approve your undertaking this pro bono matter on your personal time under the circumstances you have described below. Thanks.

Brenda Mallory  
 Associate General Counsel, Pesticide and Toxic Substances Law Office  
 U.S. Environmental Protection Agency  
 (202) 564-0633 (telephone)  
 (202) 564- 5644 (fax)  
 mallory.brenda@epa.gov

FOIA EXL

Brenda, Below is my request for prior approval t...

01/08/2010 09:12:33 AM

From: FOIA EXL /USEPA/US  
 To: Brenda Mallory/DC/USEPA/US@EPA  
 Cc: Justina Fugh/DC/USEPA/US@EPA  
 Date: 01/08/2010 09:12 AM  
 Subject: request for prior approval for outside activity (pro bono)

Brenda,

Below is my request for prior approval to participate in an outside activity, a pro bono case.

January 8, 2010

Request for prior approval to participate in pro bono activities through the EXL Pro Bono program

1. Your name, title and grade;

FOIA EXL Attorney-Advisor, GS 14

2. The nature of the outside activity (pro bono work) including a full description of the services to be performed and the amount of compensation expected;

Represent tenant in dispute with landlord over poor state of premises. May require filing suit. I will receive no compensation. First meeting with tenant is scheduled for January 13, 2010.

3. The name and business of the person or organization for which the work will be done;

The work is being done for the client through the EXL Pro Bono Program.

4. The estimated time to be devoted to the activity;

40 hours

5. Whether the service will be performed entirely outside of normal duty hours. If



not, estimate the number of hours of absence from work required;

The service will be performed entirely outside of normal duty hours. If I need to appear in court or meet with my client during duty hours, I will take leave to do so.

6. A statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment;

No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment.

7. The basis for compensation (e.g., per diem);

There is no compensation.

8. A statement that you have read, are familiar with and will abide by the restrictions described in 5 CFR 2635 and 6401.102;

I have read, are familiar with and will abide by the restrictions described in 5 CFR 2635 and 6401.102.

9. An identification of any EPA assistance agreement or contract held by a person to or for whom services would be provided. See. 5 CFR 6401.103(b)(1-9).

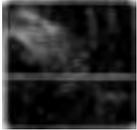
There are no such agreements or contracts.

FOIA EXC

U.S. Environmental Protection Agency  
Office of General Counsel  
1200 Pennsylvania Ave., NW  
MC 2333A  
Washington, DC 20460  
(202) 564-7661

NOTICE: This communication may contain privileged or other confidential information. If you are not the intended recipient, or believe you have received this communication in error, please delete the copy you received, and do not print, copy, retransmit, disseminate, or otherwise use the information. Thank you.





approval of outside activity   
 Justina Fugh to: FOIA EXC  
 Cc: Brenda Mallory

11/30/2009 12:46 PM

FOIA EXC

This note confirms that I have reviewed and approve your request to engage in outside activity to write an article for the ABA. The approval extends only to this article. Because you are writing in your personal capacity, you are advised to abide by 5 CFR 2635.807(b)(2) in making reference to your official title and position. Under this provision, you may use or permit the use of your title or position in connection with this article to be published in a professional journal. However, you are required to include a reasonably prominent disclaimer stating the following: The views expressed are those of the author and do not necessarily represent the views of the Agency or the United States. I will print out a copy of this approval for your financial disclosure file.

Justina

Justina Fugh \* Senior Counsel for Ethics \* Office of General Counsel \* US EPA (Mail Code 2311A) \* Room 4308 Ariel Rios North \* Washington, DC 20460 \* phone 202-564-1786 / cell 202-731-3631 / fax 202-564-1772

Brenda Mallory Sorry - that's what I thought I was doing. I concur... 11/30/2009 11:36:55 AM

From: Brenda Mallory/DC/USEPA/US  
 To: Justina Fugh/DC/USEPA/US@EPA  
 Cc: FOIA EXC DC/USEPA/US@EPA  
 Date: 11/30/2009 11:36 AM  
 Subject: Re: request for approval to write piece for ABA publication

Sorry - that's what I thought I was doing. I concur in EXC writing the article under the terms described. Do you need more, or some different format? Thanks.

Brenda Mallory  
 Associate General Counsel, Pesticide and Toxic Substances Law Office  
 U.S. Environmental Protection Agency  
 (202) 564-0633 (telephone)  
 (202) 564- 5644 (fax)  
 mallory.brenda@epa.gov

Justina Fugh Brenda, please concur or nonconcur and then se... 11/30/2009 10:14:41 AM

From: Justina Fugh/DC/USEPA/US  
 To: Brenda Mallory/DC/USEPA/US@EPA  
 Cc: FOIA EXC DC/USEPA/US@EPA  
 Date: 11/30/2009 10:14 AM  
 Subject: Re: request for approval to write piece for ABA publication

Brenda, please concur or nonconcur and then send the request along to me for approval. Thanks.

Brenda Mallory okay. thanks. Brenda Mallory 11/30/2009 08:55:09 AM

From: Brenda Mallory/DC/USEPA/US  
 To: FOIA EXC DC/USEPA/US  
 Cc: Justina Fugh/DC/USEPA/US@EPA  
 Date: 11/30/2009 08:55 AM  
 Subject: Re: request for approval to write piece for ABA publication



okay. thanks.

Brenda Mallory  
Associate General Counsel, Pesticide and Toxic Substances Law Office  
U.S. Environmental Protection Agency  
(202) 564-0633 (telephone)  
(202) 564- 5644 (fax)  
mallory.brenda@epa.gov

FOIA EX 6

Brenda, This is my request for permission to wri...

11/30/2009 08:52:15 AM

From: FOIA EX 6 /DC/USEPA/US  
To: Brenda Mallory/DC/USEPA/US@EPA  
Cc: Justina Fugh/DC/USEPA/US@EPA  
Date: 11/30/2009 08:52 AM  
Subject: request for approval to write piece for ABA publication

Brenda,

This is my request for permission to write a piece of an article for ABA's Section of Environment Energy and Resources' Year in Review publication. I have cut and pasted the relevant provisions of section 6401.103 into this email and my responses are in red.

According to section 6401.103, this email must "be sent through the employee's immediate supervisor (for the supervisor's information)" to Justina Fugh, DEO.

Thanks,

FOIA EX 6

**§ 6401.103 Prior approval for outside employment.**

(b) *Form and content of request.* The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor (for the supervisor's information) and shall include:

(1) Employee's name, title and grade;

FOIA EX 6, Attorney Advisor, GS 14

(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;

I would like permission to write a piece for an article on international chemical regulation for the SEER International Environmental Law committee Year in Review submittal. This committee is a committee of the American Bar Association's Section on Environment Energy and Resources. I will not be compensated. The piece will be combined with several others to make a complete article. The piece will summarize the important happenings in 2009 in the area of international chemical regulation.

(3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);

AMERICAN BAR ASSOCIATION, Section of Environment, Energy, and Resources,  
321 North Clark Street, Chicago, IL 60610

(4) The estimated time to be devoted to the activity;



I expect to work approximately 10-14 hours on it.

(5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);

This will be done on my personal time entirely outside of normal duty hours.

(6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;

No official duty time or Government property, resources or facilities not available to the general public will be used in connection with writing this article.

(7) The basis for compensation (e.g., fee, per diem, per annum, etc.);

N/A

(8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102; and

I am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102.

(9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

N/A

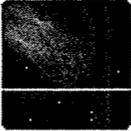
FOIA EX 6  
U.S. Environmental Protection Agency  
Office of General Counsel  
1200 Pennsylvania Ave., NW

FOIA EX 6  
Washington, DC 20460

FOIA EX 6

NOTICE: This communication may contain privileged or other confidential information. If you are not the intended recipient, or believe you have received this communication in error, please delete the copy you received, and do not print, copy, retransmit, disseminate, or otherwise use the information. Thank you.





Re: Fw: prior approval request for ~~FOIA~~ Advice & Referral Clinic this Saturday  
 Justina Fugh to: FOIA ~~EXC~~  
 Cc: Brenda Mallory

09/10/2009 07:28 PM

Hi FOIA ~~EXC~~

Under our current supplemental regulations, an approval for outside activity remains in effect for five years if there are no changes to your duties or to the work being performed. Of course, I tell people that if there is a change in DEO, then you should send in a renewed request, which is what you've done. So thank you for reading my mind!

You are approved to participate in this event. Just remember that, if you are asked to identify where you work, you can say "federal government." If you say "EPA" then please be sure that the person understands that you are not there in your official capacity. If the question arises in an exchange of social niceties, there would be no need to hasten to say "but I'm not here because of EPA!" But if the question arises because you're being asked about an environmental issue, and you demonstrate such impressive mastery of the subject that the person asks where you work, then you would want to be clear that you're not there for EPA.

I'll print out a copy of this approval for your file.  
 Justina

Justina Fugh \* Senior Counsel for Ethics \* Office of General Counsel \* US EPA (Mail Code 2311A) \* Room 4308 Ariel Rios North \* Washington, DC 20460 \* phone 202-564-1786 / cell 202-731-3631 / fax 202-564-1772

FOIA ~~EXC~~

Justina, I plan to participate in the DC Bar Advic...

09/10/2009 03:45:22 PM

From: FOIA ~~EXC~~ DC/USEPA/US  
 To: Justina Fugh/DC/USEPA/US@EPA  
 Cc: Brenda Mallory/DC/USEPA/US@EPA  
 Date: 09/10/2009 03:45 PM  
 Subject: Fw: prior approval request for DC Bar Advice & Referral Clinic this Saturday

Justina,

I plan to participate in the ~~FOIA~~ Advice and Referral Clinic this Saturday. As I've done in the past, I'm seeking prior approval for this.

From a previous email from Peggy:

Here is the proper format for requesting prior approval for an outside activity, such as pro bono work, which can be found in EPA Supplemental Ethics Regulation at 5 CFR 6401.103. The request should be sent to Peggy Love, Deputy Ethics Official (DEO) for the Office of General Counsel, through your immediate supervisor for the supervisor's information and include:

1. Your name, title and grade;
2. The nature of the outside activity (pro bono work) including a full description of the services to be performed and the amount of compensation expected;
3. The name and business of the person or organization for which the work will be done;



4. The estimated time to be devoted to the activity;
5. Whether the service will be performed entirely outside of normal duty hours. If not, estimate the number of hours of absence from work required;
6. A statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment;
7. The basis for compensation (e.g., per diem);
8. A statement that you have read, are familiar with and will abide by the restrictions described in 5 CFR 2635 and 6401.102; and
9. An identification of any EPA assistance agreement or contract held by a person to or for whom services would be provided. See. 5 CFR 6401.103(b)(1-9).

My responses:

1. FOIA EX 6, attorney-advisor (OGC, PTSLO), GS-14
2. I will be participating at the FOIA EX 6 Advice and Referral Clinic where volunteers meet with people to see if they have legal issues that might need referral to an attorney with expertise in a particular area. I will receive no compensation for this work and I will not be representing clients at the clinic.
3. DC Bar
4. 4.0 hours
5. This will be performed entirely outside normal duty hours.
6. I have read and am familiar with 5 CFR Parts 2635 and 6401.103
7. I will not be providing pro bono services to any person who is doing business with EPA.

FOIA EX 6  
 U.S. Environmental Protection Agency  
 Office of General Counsel  
 1200 Pennsylvania Ave., NW  
 FOIA EX 6  
 Washington, DC 20460  
 FOIA EX 6

NOTICE: This communication may contain privileged or other confidential information. If you are not the intended recipient, or believe you have received this communication in error, please delete the copy you received, and do not print, copy, retransmit, disseminate, or otherwise use the information. Thank you.

----- Forwarded by FOIA EX 6 s/DC/USEPA/US on 09/10/2009 03:40 PM -----

From: Peggy Love/DC/USEPA/US  
 To: EX 6 s/DC/USEPA/US@EPA  
 Date: 09/11/2008 02:33 PM  
 Subject: Re: prior approval request for DC Bar Advice & Referral Clinic this Saturday

EX 6

I have reviewed and approve your request below to attend the FOIA EX 6 Advice & Referral Clinic this weekend.

Peggy Love  
 Attorney (Ethics)  
 Deputy Ethics Official (DEO)  
 Office of General Counsel  
 7439 AR-N  
 (202) 564-1784  
 FOIA EX 6 DC/USEPA/US



January 26, 2007

Memorandum

**To:** Howard Corcoran, Deputy Ethics Official  
Office of Grants and Debarment

**From:** FOIA EX 6, Chief Hearing Officer, GS-905-15  
Office of Grants and Debarment, Immediate Office. FOIA EX 6

**Date:** January 26, 2007

**Re:** Request for Approval of Unpaid Service as Personal Counsel to Immediate Family

I request approval from you in your capacity as Deputy Ethics Official for OGD, pursuant to ethics regulations at Section 6401.103, in the event that my involvement in this matter could possibly be perceived to be employment without monetary compensation, that could involve the provision of legal or consulting services or the practice of a profession as defined in 5 CFR 2636.305(b)(1). Specific elements required by that regulation are addressed below:

1. Employee's name, title and grade;

FOIA EX 6, Hearing Officer (Attorney-Examiner), GS-905-15

2. Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;

No compensation for this activity is expected. Services are being performed without financial compensation for my sister-in law as to the wrongful death of her daughter, my niece, in 2005.

Page 2

Activity includes involvement including informal discussion of legal remedies available in the wrongful death of my niece with my sister-in-law and her retained counsel in an ongoing legal case; review of legal documents from my sister-in-law's private attorneys or the defendant's attorneys; review of my sister-in-law's discovery responses and of discovery responses by the defendant; attendance at depositions, site visits and perhaps at trial. Please note my attendance at deposition and at trial may be required regardless of informal personal counsel activities, since I may be asked to act as a damage witness for my sister-in-law.

My activity does not extend to entry of a court appearance in the wrongful death action, nor to any active representation of my sister-in-law and niece in relation to defense counsel. My sister-in-law and niece formally are represented by a litigation team of private attorneys, each of whom has filed an appearance in the court action, and who conduct all active representation with defense counsel. These private attorneys bear full professional responsibility for case conduct and outcome. This reduces my activity for my sister-in-law to informal personal consultation and discussions.

- 3. The name and address of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next six months);

FOIA  
EX 6  
EX 6

In Her Personal Capacity and As Representative For  
FOIA EX 6 Deceased  
FOIA EX 6

- 4. The estimated time to be devoted to the activity;

The immediate time estimated to be devoted to the activity is three days of depositions. This will require 35 hours of annual leave, which you have already approved. Additional time may be required as the case proceeds to settlement or trial.

- 5: Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);

Most of the informal personal legal counsel provided my sister-in-law can be performed outside normal duty hours. Due to the five and six hour time difference from the East Coast time to my sister-in-law's residence, most legal counsel activity of necessity will occur outside normal duty hours. I will utilize approved annual leave in the event any time is required during duty hours. The number of hours absent from work required at present is 35 hours. That amount of time may be required perhaps per calendar quarter until the wrongful death case settled or is tried. In no case is the time for this single case estimated to exceed earned and accrued annual

Page 3

leave and other non-work time available to me as an EPA employee. Thus no scheduled work hours of EPA employment is estimated to be affected. The number of hours of absence is estimated to be less than the number of hours of leave that are now available or will become available to me.

- 6: The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;

I hereby state that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside activity.

- 7: The basis for compensation (e.g., fee, per diem, per annum, etc.);

There is no financial compensation to me for these services. My sister-in-law's three private attorneys of record, not me, are contracted to receive compensation for successful completion of this case. My objective is to assist my sister-in-law in regaining her emotional health and to assist in obtaining justice in my niece's wrongful death. I will in fact incur substantial personal expense in providing these personal services to my sister-in-law and deceased niece.

- 8: The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and Section 6401.102; and

I hereby state that I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and Section 6401.102.

- 9: An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

My sister-in-law FOIA EX 6, and my deceased niece FOIA EX 6, hold no EPA assistance agreements or contracts.

Approved 1/27/07  
(see 18 U.S.C. 2056e)



Peggy  
Love/DC/USEPA/US  
01/31/2007 05:56 PM

To Howard Corcoran/DC/USEPA/US@EPA  
cc love.peggy@epa.gov, Justina Fugh/DC/USEPA/US@EPA  
bcc  
Subject Re: Fw: Outside Activity

Hi Howard -

Yes, in fact under the EPA Supplemental Ethics Regulations, 5 CFR 6401.1, <sup>FOIA</sup> ~~all~~ does need to obtain approval for an outside activity since he is engaging in the practice of a profession. I agree that it will be okay for him to perform this outside activity, even after reviewing 18 USC 205 which prohibits employees from acting as an agent or attorney in certain matters. Dave falls within an exception to this rule (18 USC 205(e)) which permits government employees to act as an agent or attorney where they are representing family members.

Peggy Love  
Attorney (Ethics)  
Deputy Ethics Official (DEO)  
Office of General Counsel  
7439 AR-N  
(202) 564-1784  
Howard Corcoran/DC/USEPA/US



Howard  
Corcoran/DC/USEPA/US  
01/26/2007 02:34 PM

To Peggy Love/DC/USEPA/US@EPA  
cc  
Subject Fw: Outside Activity

Hi, Peggy. I'm not sure <sup>EXU</sup> even has to seek my approval for this, but I don't see an ethical issue that would prevent the activity. Any thoughts? Thanks for all of your help today!! Howard.  
Howard F. Corcoran  
Director, Office of Grants and Debarment  
U.S. EPA  
(202) 564-1903  
corcoran.howard@epa.gov

\*\*\*\*\*  
Please tell us whether we're doing our job to your satisfaction by completing the **OARM Customer Satisfaction Survey**:

<http://www.surveymonkey.com/s.asp?u=727791978418>

Thank you for helping us improve our service to you!

\*\*\*\*\*

— Forwarded by Howard Corcoran/DC/USEPA/US on 01/26/2007 02:31 PM —



<sup>EXU</sup> DC/USEPA/US  
01/26/2007 02:25 PM

To Howard Corcoran/DC/USEPA/US@EPA  
cc  
Subject Outside Activity



Howard

Per my discussion with you.

FOIA EXC



EXC PersonalCounsel.doc



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

To: Howard Corcoran  
From: FOIA EX 6  
Re: Approval to Hold Position as Officer of Company  
Date: March 6, 2007

OFFICE OF  
ADMINISTRATION  
AND RESOURCES  
MANAGEMENT

This memo is intended to serve as a Request for Approval of Outside Employment, as submitted to Howard Corcoran in his capacity as Deputy Ethics Official for the U.S. Environmental Protection Agency in accordance with the requirements of 5 C.F.R. 6401.103.

Employee Information: FOIA EX 6 Suspension and Debarment Division, GS-15

Outside Employer Information: FOIA EXEMPTION 6

FOIA EXEMPTION 6 ) is a limited liability partnership incorporated in the State of FOIA EX 6. The primary purpose of FOIA EX 6 is to lease, rent, own, purchase and sell real property. The officers of FOIA EX 6 s are the six grand children of the deceased grandmother, FOIA EX 6 FOIA EX 6 house and property and the property adjacent to FOIA EX 6 's property are the assets of FOIA EX 6.

I am one of the six officers of FOIA EX 6. My responsibilities as officer include, holding meetings, taking notes at meetings, making and implementing decisions as they apply to FOIA EX 6 business and providing upkeep for any property owned by FOIA EX 6. Such work requires approximately 50 hours of work per year.

FOIA EX 6 has never engaged in any work that involves any Federal government procurement or non-procurement activity.

This outside work is completed entirely at home and on my own time outside of duty hours for my employment with U.S. EPA. No official duty time or Government resources, property, or facilities not available to the general public will be used in connection with outside work. Furthermore, I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and § 6401.102.

Sincerely,

FOIA EX 6  
FOIA EX 6

3/19/07  
Approved; No  
conflict with  
official duties.



Howard  
Corcoran/DC/USEPA/US  
08/23/2007 09:38 AM

To Stefan Silzer/DC/USEPA/US@EPA  
cc  
bcc  
Subject Re: Fw: Ethics Requirement Documentation for my position  
on the EXC Board of Directors

Hi, EXC Before I make a decision on this, could you please have EXC provide more detail on what her duties as a Federal Board Member would be and how they would not conflict with her official duties as Deputy Director? For example, there may be an issue if one of EXC's major duties, as a Board Member, would be to provide comments on grant policies, including EPA policies. Thanks, Howard.

Howard F. Corcoran  
Director, Office of Grants and Debarment  
U.S. EPA  
(202) 564-1903  
corcoran.howard@epa.gov

\*\*\*\*\*  
Please tell us whether we're doing our job to your satisfaction by completing the OARM Customer Satisfaction Survey:  
<http://www.surveymonkey.com/s.asp?u=727791978418>  
Thank you for helping us improve our service to you!  
\*\*\*\*\*

Stefan Silzer/DC/USEPA/US



Stefan  
Silzer/DC/USEPA/US  
08/23/2007 08:46 AM

To Howard Corcoran/DC/USEPA/US@EPA  
cc  
Subject Fw: Ethics Requirement Documentation for my position on  
the NGMA Board of Directors

Howard,

Here is FOIA EXC's recusal for serving on the board of the FOIA exemption Association. If an e-mail version will not suffice, let us know. We will get you a signed hard copy.

Steve

Stefan Silzer  
Director, National Policy, Training and Compliance Division  
Office of Grants and Debarment  
U.S. ENVIRONMENTAL PROTECTION AGENCY  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

202-564-5389 Office  
202-565-2470 Fax

\*\*\*\*\*  
Please tell us whether we're doing our job to your satisfaction by completing the OARM Customer

1. Your name, title and grade FOIA EX 6 Deputy Director, GS-15
2. Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected **No compensation, no committee chairmanship, serve as 1 of 3 Federal Board members.**
3. The name and business of the person or organization for which the work will be done. In cases of self employment, you'll have to indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months FOIA EXEMPTION 6 Association, a non-profit professional organization committed to strengthening the relationship between grant making organizations and grant recipients.
4. The estimated time to be devoted to the activity **2 hours a month**
5. Whether the service will be performed entirely outside of normal duty hours (or if not, estimate the number of hours of absence from work required) **Outside Duty Hours or at lunch**
6. A statement that you won't use official duty time, or Government property, resources, or facilities not available to the general public for the outside activity  
**I, FOIA EX 6, will not use official duty time, or Government property, resources, or facilities not available to the general public for the NGMA activities.**
7. The basis of your compensation (e.g., fee, per diem, per annum) **N/A**
8. A statement that you have read, are familiar with, and will abide by restrictions in 5 C.F.R. 2635 and 6401.102  
**I, FOIA EX 6, have read, and are familiar with, and will abide by restrictions in 5 C.F.R. 2635 and 6401.102**
9. Identification of any assistance agreements or contracts held by a person to or for whom services are to be provided. **N/A**

Approved 9/16/07  
 DRO  
( FOIA EX 6 - ( FOIA EX 6  
dept 6, 07



Outside Coaching Work - Approval  
to: Justina Fugh

06/11/2010 10:49 AM

FOIA EXC

FOIA EXC  
Conflict Prevention and Resolution Center  
U.S. Environmental Protection Agency  
"Making Agreement Easier"  
(202) FOIA EXC | www.epa.gov/adr

----- Forwarded by FOIA EXC /DC/USEPA/US on 06/11/2010 10:40 AM -----

From: Penny Love/DC/USEPA/US  
To: FOIA EXC /DC/USEPA/US@EPA  
Cc: love.peggy@epa.gov  
Date: 10/20/2006 06:37 PM  
Subject: Re: Fw: Requesting Approval

FOIA EXC

I have reviewed your attached revised request for approval for outside employment to engage as a leadership and executive coach with external parties (non-EPA employees). These services will be assisting individuals to develop as a professional, create possibilities, improve performance, and take action. You expect to be paid through an hourly fee market rate or to provide the services pro bono to individuals who may not be able to afford such services. You will be operating as a consultant under the label Courage2Change and anticipate two external clients during the next 6 months with an estimate of 10 hours per month for the next 6 months.

This work will be done entirely outside of our normal duty hours and duty station, either before or after EPA work hours or on the weekends. You agree not to use any EPA property, resources or facilities that are not available to the general public and will use your personal e-mail account, personal computer, and personal cell phone number for any general conversations or coaching calls with any external clients. You have read the Standards of Ethical Conduct found at 5 CFR part 2635 and the EPA supplemental ethics regulations found at 5 CFR 6401.103 and agree to abide by these rules. In addition, you, your supervisor, Jeff Lape, and I have met and discussed the limitations of these rules.

I approve your request to engage in this outside employment activity. This approval remains valid for five years. Should there be a change in the nature or scope of your duties, if you transfer to another organization within EPA responding to a different Deputy Ethics Official (DEO) you will need to request a new approval.

Please let me know if you have any questions.

Peggy Love





Howard  
Corcoran/DC/USEPA/US  
05/06/2008 10:55 AM

To FOIA ex6 /DC/USEPA/US@EPA  
cc  
bcc

Subject Re: Statement Re: Outside Employment

Hi, *ex6*. I have reviewed your request for approval of outside employment as a self-employed attorney. I have determined that your outside employment as a general practice private attorney unaffiliated with any firm is not expected to involve conduct prohibited by statute or Federal regulation, including 5 C.F.R. Part 2635 and Section 6401.102. Accordingly, I am approving your request. As required by 5 C.F.R. Section 6401.103 (d), please submit a revised request for approval if there is a change in the nature or scope of the duties or services performed or the nature of your business, including approval of the patent application described in your request. Thanks, Howard.

Howard F. Corcoran  
Director, Office of Grants and Debarment  
U.S. EPA  
(202) 564-1903  
corcoran.howard@epa.gov

\*\*\*\*\*  
Please tell us whether we're doing our job to your satisfaction by completing the OARM Customer Satisfaction Survey:  
<http://www.surveymonkey.com/s.asp?u=727791978418>  
Thank you for helping us improve our service to you!

\*\*\*\*\*  
FOIA ex6 /DC/USEPA/US



*ex6* /DC/USEPA/US  
05/05/2008 03:31 PM

To Howard Corcoran/DC/USEPA/US@EPA  
cc

Subject Statement Re: Outside Employment



Outside Employment doc  
FOIA ex6  
Director, National Policy, Training and Compliance Division  
Office of Grants and Debarment  
U.S. ENVIRONMENTAL PROTECTION AGENCY  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

202  
202 FOIA ex6

\*\*\*\*\*  
Please tell us whether we're doing our job to your satisfaction by completing the OARM Customer

**Satisfaction Survey:**

**<http://www.surveymonkey.com/s.asp?u=727791978418>**

**Thank you for helping us improve our service to you!**

\*\*\*\*\*

## MEMORANDUM

SUBJECT: Outside Employment as a Self Employed Attorney

From: FOIA & C, Director  
National Policy Training and Compliance Division

To: Howard Corcoran, Director  
Office of Grants and Debarment

As an attorney, friends regularly contact me seeking legal advice and counsel. I never charge for these services. Recently, a friend patented an x-ray room safety device. He regularly contacts me with legal and business questions related to protecting and marketing this product. I do not receive any compensation for my advice. I was not involved in the patent application. There is the potential the patent could be valuable. If that in fact happens, it would not surprise me if my friend rewarded me for my efforts. Currently, there is no agreement for any form of compensation. Given the potential for compensation, I reported that I may perform work as a private attorney on my Form 450.

### Statement Regarding Outside Activity

I may perform services for compensation (fees) as a general practice private attorney unaffiliated with any firm. I will not litigate against the United States of America. As a Federal Employee, I will recuse myself from any matter that comes before me in which I participated as a private attorney. The chance of such a conflict arising is extremely remote. I expect to devote 20 to 40 hours a year to this activity. I currently have one relationship, discussed above, which could be deemed a "client". Any duties I perform as a private attorney will be outside my normal duty hours. However, on a rare occasion, I may request annual leave to attend a meeting on behalf of a client. No official duty time, Government property, resources, or facilities available to the general public will be used in connection with the outside employment. I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations). No services will be provided to any person holding an EPA assistance agreement or contract.





To: FOIA EXC DC/USEPA/US  
 Cc:  
 Bcc: love.peggy@epa.gov,  
 Subject: Re: request for article approval

I have reviewed your request below for outside activity approval to write an article discussing EPA's authority to treat Indian tribes as states under the Clean Water, Clean Air, and Safe Drinking Water Acts. You intend to articulate a framework for assessing the adequacy of tribal applications for program approval as questions of statutory construction; this would enhance the legal defensibility of Agency decisions by requiring courts to review those decisions under the deferential standard required by *Chevron USA, Inc. v. NRDC*, 467 U.S. 837 (1984). You formerly worked on Indian Law issues for the EPA, but you are not currently assigned to that area. You have made no arrangements for publication in any forum. You are not aware of any relevant assistance agreements with EPA and will not be compensated. You will not spend any official duty time working on the article and will not use any Government property, resources, or facilities not available to the general public in connection with its completion. You anticipate spending several hundred hours of non-work time preparing the article. You have read and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations).

I approve your request and want to remind you that you will also need to include a disclaimer. I will place a copy of this email in your ethics file that I have in my office.

Thank you for checking with me.

Peggy Love  
 Attorney (Ethics)  
 Deputy Ethics Official (DEO)  
 Office of General Counsel  
 7439 AR-N  
 (202) 564-1784

FOIA EXC

Thanks. No great rush.

04/21/2009 09:09:12 AM

From: FOIA EXC DC/USEPA/US  
 To: Peggy Love/DC/USEPA/US@EPA  
 Date: 04/21/2009 09:09 AM  
 Subject: Re: request for article approval

Thanks. No great rush.

Peggy Love

I will try to get back to you today or tomorr...

04/21/2009 08:58:32 AM

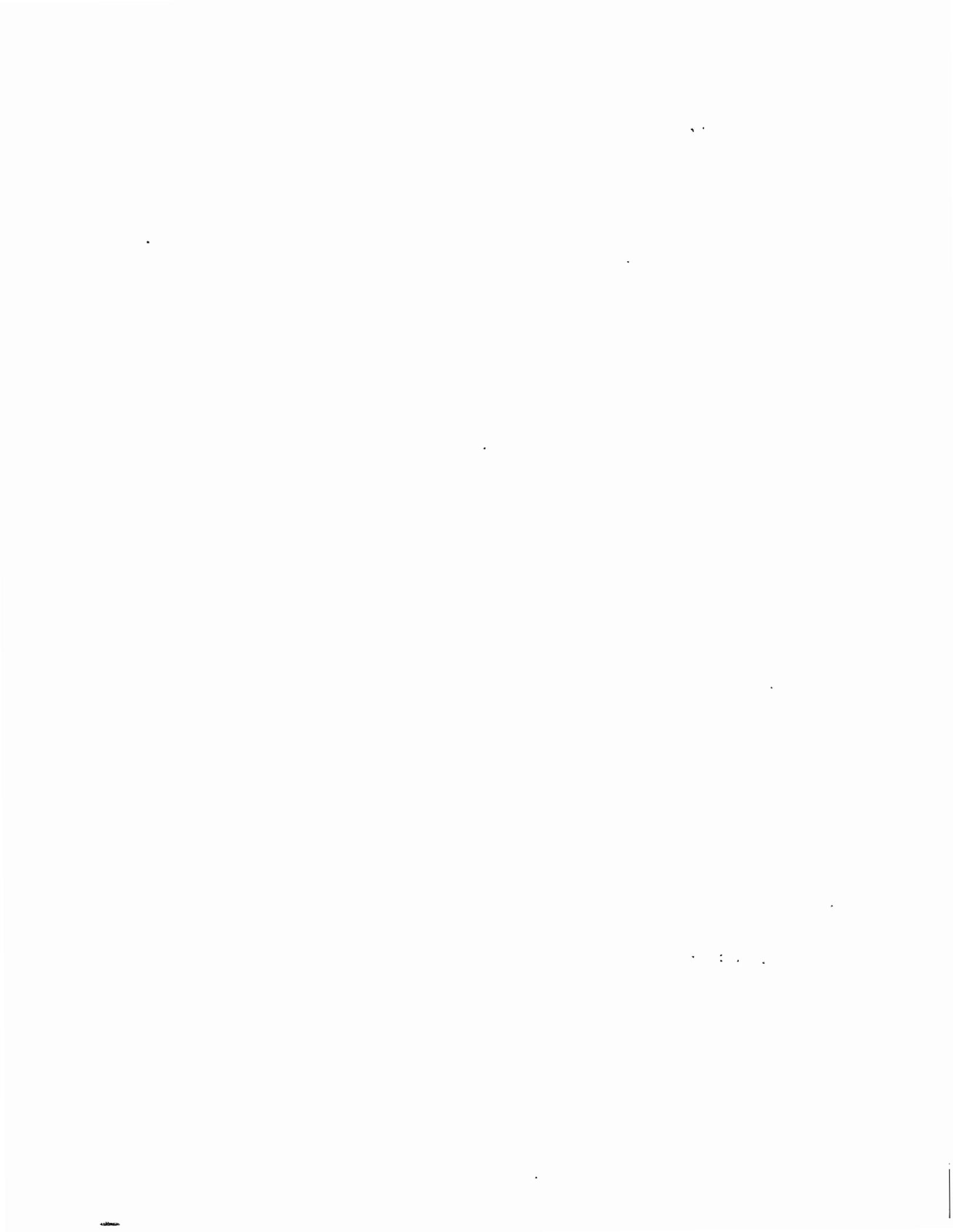
FOIA EXC

----- Original Message -----

From: FOIA EXC  
 Sent: 04/16/2009 04:38 PM EDT  
 To: Peggy Love  
 Cc: Justina Fugh  
 Subject: request for article approval

I would like to request approval for outside employment pursuant to 5 CFR 6401.103(a)(2).

The employment involves an article I plan to write discussing EPA's authority to treat Indian tribes as states under the Clean Water, Clean Air, and Safe Drinking Water Acts. I intend to articulate a framework for assessing the adequacy of tribal applications for program approval as questions of statutory



construction; this would enhance the legal defensibility of Agency decisions by requiring courts to review those decisions under the deferential standard required by *Chevron USA, Inc. v. NRDC*, 467 U.S. 837 (1984).

I will be writing the article on speculation, and have made no arrangements for publication in any forum; naturally, I am not aware of any relevant assistance agreements with EPA. I will receive no compensation, and will not spend any official duty time working on the article and will not use any Government property, resources, or facilities available to the general public in connection with its completion. I anticipate spending several hundred hours of non-work time preparing the article.

I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations).

I wish to point out that I formerly worked on Indian Law issues for the Agency but am not currently assigned to that area.

Thanks.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

March 18, 2009

OFFICE OF  
GENERAL COUNSEL

**MEMORANDUM**

**SUBJECT:** Response to Request for Outside Employment Pursuant to 5 C.F.R. § 6401.103

**FROM:** *Peggy Love*  
Peggy Love  
Deputy Ethics Official  
Office of General Counsel

**TO:** *FOIA Ex 6*  
Attorney-Advisor

I am writing in response to your two written requests (attached) for approval of outside employment submitted to me through your supervisor, Carol Ann Siciliano, Associate General Counsel, on March 2, 2009, pursuant to EPA Supplemental Regulations at 5 C.F.R. § 6401.103.

**Background**

Your first written request involves an article on legal issues entitled "Equal Protection, Strict Scrutiny, and Actions to Promote Environmental Justice" that you indicate you prepared on your own time and submitted to the *Environmental Law Reporter*. In a discussion on February 27, 2009, you stated that the print publication of the article had already occurred, but that the published article contained the following disclaimer printed at the beginning: "*FOIA Ex 6* is an attorney with the U. S. Environmental Protection Agency's (EPA's) Office of General Counsel. The views expressed are entirely his own and do not necessarily represent the views of EPA or its Office of General Counsel."

You indicate in your written request that you will not and have not received any compensation for this writing, and that you spent several hundred hours of non-work time completing the article. You further state that no official duty time or government property, resources, or facilities available to the general public were used in connection with this outside activity. Your request also states that you have read, are familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 (subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations). Finally, you state that you are not aware of any assistance agreements or contracts that the Environmental Law Institute has with EPA.

Please note that full compliance with 5 C.F.R. Part 2635 (subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations) requires approval of outside activity by the Deputy Ethics Official in advance. It is also prudent to obtain approval of any accompanying disclaimer or reference to official title or position. On February 19, 2009, you wrote to me requesting general information regarding writing for publication, which I responded to on February 20, 2009. In that email message, I provided you with specific instructions about how



to request approval in advance for writing that is related to official duty. There is no indication that you sought any approval as required by 5 C.F.R. § 6401.103 prior to your request of March 2, 2009, in which you indicated that the article had already been accepted for publication.

Your second request involves the web publication of this same article. The web version of the article had not been posted as of the date of your request. You state that the caption for the web version of the article will state as follows: "FOIA ex. 6 is a federal attorney who lives in Washington, D.C. He has written several previous articles for *ELR* on issues related to federal Indian Law, constitutional law, and environmental law. The views expressed are entirely his own. [Editors' Note: A counterpoint article by FOIA ex. 6 will appear in the May issue.]" This version of the caption contains no reference to your official title or position.

## Discussion

The Standards of Ethical Conduct for Employees of the Executive Branch (Standards) require that you obtain approval before engaging in outside employment or activities when required by agency supplemental regulation. 5 C.F.R. § 2635.803. When engaged in outside activities, the Standards also require that you shall endeavor to avoid actions creating an appearance of violating any of the ethical standards and the prohibition against use of official position for your private gain or for the private gain of any person with whom you have employment or business relations or are otherwise affiliated in a nongovernmental capacity. 5 C.F.R. § 2635.801(c).

EPA's Supplemental Regulations at 5 C.F.R. § 6401.103 require that you obtain approval from your Deputy Ethics Official before engaging in any outside employment -- with or without compensation -- that involves subject matter that deals in significant part with the policies, programs or operations of EPA or any matter to which you are assigned or to which you have been assigned during the previous one-year period. The definition of employment includes writing when done under an arrangement with another person for production or publication of the written product. 5 C.F.R. § 6401.103(e). The article that you have written in your outside capacity for the *Environmental Law Reporter* is covered by these ethical provisions.

When you engage in writing as outside employment or as an outside activity, you are not permitted to use your official title or position to identify yourself in connection with the writing except that you may include or permit the inclusion of your title or position as one of several biographical details when such information is given to identify you in connection with your writing, provided that your title or position is given no more prominence than other significant biographical details. 5 C.F.R. § 2635.807(b).

You may use, or permit the use of your title or position in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonable prominent disclaimer satisfactory to the agency stating that the views expressed in the article do not necessarily represent the views of the agency or the United States. 5 C.F.R. 2635.807b)(1).

## Conclusion

As your Deputy Ethics Official, I cannot approve your requests for approval of outside activity for the article entitled "Equal Protection, Strict Scrutiny, and Actions to Promote Environmental Justice" that you submitted to the FOIA exemption 6 publication. You are required to obtain approval in advance, not after the fact. In both requests, you sought approval after the



article had been accepted for publication, despite receiving advice from me that you were required to seek approval in advance of the activity itself.

I will note as an aside that the disclaimer used for the web publication of the article does meet the requirements of the outside activity provisions and the misuse of position provisions contained in the Standards. In addition, while the Standards of Conduct do not define "scientific or professional journal" referenced in 5 C.F.R. §2635.807(b)(1), the U. S. Office of Government Ethics defines a scientific journal as one that has a "peer review process" and a professional journal is one that is used as a "go to resource" for people in the field. The *Environmental Law Reporter* publication is identified as an "important resource for environmental, health and safety, toxic tort, natural resource, and land use professionals" on the U. S. Department of the Interior Library website. An argument can be made that the *Environmental Law Reporter* publication is a "professional journal" and, therefore, the disclaimer used for the print version does meet the requirements of 5 C.F.R. §2635.807(b)(1).

I want to point out that by denying your requests for outside employment, which were submitted to me as your Deputy Ethics Official in accordance with the EPA Supplemental Ethics Regulation, 5 C.F.R. 6401.103, I am not denying your right to write an article in your personal capacity expressing your personal views on a subject matter that deals in significant part with the policies, programs or operations of EPA or any matter to which you are assigned or have been assigned at EPA. But because you did not adhere to the requirements to seek approval in advance, I am not able to approve your request after the fact.

Cc: Carol Ann Siciliano  
Associate General Counsel



I hereby request approval for outside employment pursuant to 5 CFR 6401.103(a)(2).

The employment involves the web edition of an article on legal issues that I prepared on my own time and submitted to the FOIA EXEMPTION 6, which accepted it for publication. The title is "Equal Protection, Strict Scrutiny, and Actions to Promote Environmental Justice. I received no compensation. I spent several hundred hours of non-work time completing the article. No official duty time or Government property, resources, or facilities available to the general public were used in connection with the outside employment;

I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations).

I am not aware of any assistance agreements or contracts the Environmental Law Institute has with EPA.

The web version of the article has not been posted. The caption for the web version of the article will state as follows: FOIA EX 6 is a federal attorney who lives in Washington, D.C. He has written several previous articles for *ELR* on issues related to federal Indian Law, constitutional law, and environmental law. The views expressed are entirely his own. [Editors' Note: A counterpoint article by Sheila Foster will appear in the May issue.]

FOIA EX 6  
FOIA EX 6 Attorney-Advisor, GS 15 3/2/09

I hereby approve FOIA EX 6's request regarding outside employment in connection with the publication of an article on legal issues for the FOIA EX 6 "EX 6" on its web site.

  
3/2/09  
CarolAnn Siciliano, Associate General Counsel



Peggy Love/DC/USEPA/US  
01/07/2008 01:59 PM

To FOIA EX 1/DC/USEPA/US@EPA  
cc  
bcc  
Subject Re: Fw: Volunteer Work Activities

FOIA EX

In follow up to our phone conversation, the U. S. Office of Government Ethics (OGE) confirmed that if you are acting as a mediator with the Center for Dispute Settlement you would not be "representing" either party for purposes of 18 U.S.C. 205 since you are not acting as an agent or attorney of either party. Therefore, I approve your request to serve as a mediator with the Center for Dispute Settlement as described below.

This approval is good for five years and will need to be updated if there is a change in the nature or scope of your duties. You will also need to report this outside activity on Part III: Outside Positions of your OGE-450 financial disclosure form the next time you file. I will put a copy of this e-mail in your ethics file that I have in my office.

Peggy Love  
Attorney (Ethics)  
Deputy Ethics Official (DEO)  
Office of General Counsel  
7439 AR-N  
(202) 564-1784  
Peggy Love/DC/USEPA/US

Peggy Love/DC/USEPA/US  
12/28/2007 12:23 PM

To FOIA EX 1/DC/USEPA/US@EPA  
cc  
Subject Re: Fw: Volunteer Work Activities

FOIA EX

I am so sorry that I did not get back to you. I have reviewed both requests below for outside volunteer work activities. Your request to do voluntary work for the Smithsonian American Art and Renwick Gallery providing highlight tours is approved. However, I would like to talk to you about your request to do mediation work with the CDRC. Please give me a call at 202-564-1784. Thanks.

Peggy Love  
Attorney (Ethics)  
Deputy Ethics Official (DEO)  
Office of General Counsel  
7439 AR-N  
(202) 564-1784  
Joanne Dea/DC/USEPA/US

FOIA EX 1/DC/USEPA/US  
12/27/2007 10:31 AM

To Peggy Love/DC/USEPA/US@EPA



cc

Subject Fw: Volunteer Work Activities

Peggy,

I'm not sure if I recall a response from you indicating this is o.k.

I went back in my e-mail messages and didn't see a reply. Can you let me know if there are any concerns?

Thanks much.

~~FOIA EXC~~

Acting HR Staff Director  
Office of Air and Radiation  
Phone: 202.564.1449

----- Forwarded by Joanne Dea/DC/USEPA/US on 12/27/2007 10:30 AM -----

~~FOIA EXC~~ a/DC/USEPA/US

08/24/2007 04:17 PM

To Peggy Love/DC/USEPA/US

cc

Subject Volunteer Work Activities



~~EXC~~ - Outside Employment Request 8\_24\_07 (Museums).doc ~~EXC~~ - Outside Employment Request 8\_24\_07 (Mediation).doc

~~FOIA EXC~~

Conflict Prevention and Resolution Center  
Room 6402-H Ariel Rios North  
Environmental Protection Agency (MC-2388A)  
1200 Pennsylvania Avenue, NW  
Washington DC 20460  
ph: 202.564-1449 fax: 202.501-1715



I am requesting approval for outside volunteer work with the Center for Dispute Settlement/The Community Dispute Resolution Center (CDRC) <http://www.cdsusa.org/community.html>

**1. Employee's name, title and grade**

FOIA EXC 9, Conflict Resolution Specialist, GS-0301-14

**2. Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected.**

I would like permission to continue as a volunteer mediator with The Community Dispute Resolution Center (CDRC). No monetary compensation is provided.

**3. The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months).**

N/A

**4. The estimated time to be devoted to the activity.**

I estimate an average of 2 hours per month for the next year.

**5. Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required).**

If any day time hours are needed, I will take annual leave time to perform this volunteer work. Otherwise, this work will be conducted after work in the evenings.

**6. The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with outside employment.**

I will not use any EPA property, resources or facilities that are not available to the general public.

**7. Nature, amount and the basis for compensation (e.g., fee, per diem, per annum, etc.).**

N/A

**8. The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.103.**

I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.103.

**9. An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.**

Should I become aware of a situation where any EPA assistance agreements or contracts are involved, I will contact my deputy ethics official (DEO) for a determination on whether there is a conflict.

Further, I understand if I am transferred to another part of the organization or there is a change in the nature or scope of the duties or services performed, I would need to obtain approval from the applicable manager and the deputy ethics official.

FOIA EXC  
Signed

8/24/07  
Date



Peggy Love/DC/USEPA/US  
04/26/2007 07:37 PM

To : FOIA EXG /DC/USEPA/US  
cc Robert Friedrich/DC/USEPA/US@EPA  
bcc  
Subject Re: Fw: Pro bono request

Hi FOIA EXG

I reviewed your request below to engage in pro bono work for the FOIA EXG Legal Services Office. It appears that your involvement in pro bono work for the FOIA EXG Legal Services Office as described in your memo will not involve conduct prohibited by statute or Federal Regulation, and I approve your request.

I want to remind you that under 18 U.S.C. §§203 and 205, federal employees generally may not act as "agent or attorney" before any federal agency regarding a "particular matter." To act as "agent or attorney" means to communicate with intent to influence on behalf of another person or organization. This prohibition applies to rulemaking as well as matters which involve specific parties such as contracts and assistance agreements. Therefore, you are not permitted to represent a client before a federal agency or court even while engaged in pro bono work.

This approval is good for five years and I will place a copy in your ethics file that I have in my office.

Bob does not need to sign the memo.

Thanks for bringing this to my attention.

Peggy

Peggy Love  
Attorney (Ethics)  
Deputy Ethics Official (DEO)  
Office of General Counsel  
7439 AR-N  
(202) 564-1784  
FOIA EXG /DC/USEPA/US

EXG  
EXG @DC/USEPA/US  
04/25/2007 12:17 PM

To Peggy Love/DC/USEPA/US@EPA  
cc Robert Friedrich/DC/USEPA/US@EPA  
Subject Fw: Pro bono request

Hi Peggy - here is the outside employment request we discussed before you went on vacation. Let me know if Bob needs to sign anything or if this is OK. Hope you had a nice time in Arkansas!



FOIA EX 6



FOIA EX 6 ProBonoRequest.doc

FOIA EX 6  
U.S. EPA Office of General Counsel  
Ariel Rios North - Mail Code 2377A  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
Phone: (202) FOIA EX 6  
Fax: (202) 564-5432

----- Forwarded by FOIA EX 6 'DC/USEPA/US on 04/25/2007 12:15 PM -----



Robert  
Friedrich/DC/USEPA/US  
04/25/2007 12:04 PM

To FOIA EX 6 'DC/USEPA/US@EPA  
cc David Guerrero/DC/USEPA/US@EPA  
Subject Re: Pro bono request 

FOIA EX 6 Your request looks fine to me. Do you need me to sign the memo, too? Thanks.

Bob

FOIA EX 6 DC/USEPA/US

FOIA  
EX 6 'DC/USEPA/US  
04/25/2007 11:23 AM

To Robert Friedrich/DC/USEPA/US@EPA  
cc David Guerrero/DC/USEPA/US@EPA  
Subject Pro bono request

Hi Bob,

I am submitting a request to Peggy Love for approval to engage in pro bono activities, per 5 CFR sec. 6401.103. Under the regulation, I'm required to run it through my supervisor first. There is actually an exception in the regulation for certain non-profit organizations, which probably applies here, but Peggy recommended that I do this anyway.

Thanks.



EX 6 ProBonoRequest.doc

FOIA EX 6  
U.S. EPA Office of General Counsel  
Ariel Rios North - Mail Code 2377A  
1200 Pennsylvania Ave., NW



Washington, DC 20460.  
Phone: FOIA EX-6  
Fax: (202) 564-5432



**MEMORANDUM**

TO: Peggy Love, Deputy Ethics Official  
Office of General Counsel

THROUGH: Robert Friedrich, Deputy Associate General Counsel  
General Law Office  
Office of General Counsel

FROM: FOIA ex 4 Attorney-Advisor, GS-14  
General Law Office

RE: Request for Approval for Outside Employment Pursuant to  
5 C.F.R. § 6401.103

DATE: April 25, 2007

I am submitting this memorandum in order to obtain approval to engage in pro bono work for the FOIA ex 6 Legal Services Office. The organization's information is as follows:

FOIA ex 4  
Legal Services Program

FOIA ex 6,

Contact: FOIA ex 6, Pro Bono Coordinator

Specifically, I will be volunteering in the Estate Planning Clinic, and providing clients with assistance drafting simple wills, powers of attorney, and related planning documents. As a pro bono attorney volunteer, I will be meeting with 1-2 clients per month at the Clinic and assisting them with the preparation of estate planning documents based on intake information provided by the clients. I anticipate that I will devote no more than 10-15 hours per month to this activity, and I will not be compensated for this work.

This activity will be performed entirely outside of my normal duty hours, and no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment. I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and §



6401.102. Finally, I am not aware of any EPA assistance agreements or contracts held by the FOIA Ex. 6

Thank you for your consideration of this request.

cc: David P. Guerrero, Assistant General Counsel, OGC-GLO



Office of General Counsel  
7439 AR-N  
FOIA Ex 14  
FOIA Ex 6 DC/USEPA/US



Ex 6 DC/USEPA/US  
07/16/2008 02:12 PM

To Peggy Love/DC/USEPA/US@EPA  
cc

Subject Fw: Written Request for Approval of Outside Employment

Hi Peggy-

I'll be teaching Legal Research and Writing at GW Law School again this year. Do I need to "renew" my approval with you each year, or does your authorization from last year continue?

Ex 6

FOIA Ex 6  
U.S. EPA - Office of General Counsel  
(202)

NOTICE: This communication may contain deliberative, privileged or other confidential information. Do not release under FOIA without appropriate review. If you are not the intended recipient, or believe you have received this communication in error, please delete the copy you received, and do not print, copy, re-transmit, disseminate or otherwise use the information. Thank you.

— Forwarded by Manisha Patel/DC/USEPA/US on 07/16/2008 02:11 PM —



Ex 6 DC/USEPA/US  
08/16/2007 11:52 AM

To Peggy Love/DC/USEPA/US  
cc CarolAnn Siciliano/DC/USEPA/US@EPA

Subject Written Request for Approval of Outside Employment

## MEMORANDUM

**DATE:** August 16, 2007

**SUBJECT:** Request for Approval for Outside Employment

**FROM:** FOIA Ex 6, Attorney-Advisor, GS-15

**TO:** Peggy Love, OGC Deputy Ethics Official

Pursuant to the Supplemental Standards of Ethical Conduct for Employees of the Environmental



Protection Agency (Part 6401 5 C.F.R 6401.103), I am formally requesting permission to accept an opportunity to teach legal research and writing to first year (1L) law students at the EX6 EX6 University Law School (FOIA EX6 Law School). The letter extending me an offer to join the EX6 Law School faculty as an Adjunct Professor of Legal Research and Writing is attached to this memorandum as an electronic file (.pdf).

Upon your approval, I expect to be teaching legal research and writing once a week, on Monday evenings, to approximately 12 students. The course is called "Legal Research and Writing" and the course number is FOIA EX6. I will be using a text book (*Legal Research and Writing*, by Michael Murray and Christy DeSanctis) and materials provided by the EX6 Law School. I anticipate that the amount of time I will devote to preparing for and teaching this class will be approximately 10 hours a week. I will perform this work entirely outside of my normal duty hours for EPA. I expect to be compensated roughly \$ EX6,000 each semester. I am not personally aware of any EPA assistance agreements or contracts held by the EX6 Law School.

I will use no official duty time or Government property, resources, or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and § 6401.102.

Thank you for your consideration of my request.

FOIA EX6 /s/



EX6 offer letter pdf





To: FOIA EX6 /DC/USEPA/US  
 Cc:  
 Bcc:  
 Subject: Re: Request for outside activity

OK.

I have reviewed your request below to serve as adjunct faculty for the University of FOIA EX6 . I see no ethics issues and grant your request.  
 I will place a copy of this email in your ethics folder that I have in my office.

Thanks.

Peggy Love  
 Attorney (Ethics)  
 Deputy Ethics Official (DEO)  
 Office of General Counsel  
 7439 AR-N  
 (202) 564-1784

FOIA EX6 | forwarded the information to my supervisor . . . . . 02/13/2009 09:50:38 AM

From: FOIA EX6 ns/DC/USEPA/US  
 To: Peggy Love/DC/USEPA/US@EPA  
 Date: 02/13/2009 09:50 AM  
 Subject: Re: Request for outside activity

I forwarded the information to my supervisor . . .

"May you always have in your arms the one who is in your heart."

FOIA EX6  
 Resource Management Office, SBO  
 Office of General Counsel  
 Environmental Protection Agency  
 Ariel Rios North, RM 4312A  
 Office: 202-564-5187  
 Fax: 202-564-1773

Peggy Love EX6 - Did you give a copy of this to your super... 02/13/2009 09:48:12 AM

From: Peggy Love/DC/USEPA/US  
 To: FOIA EX6 /DC/USEPA/US@EPA  
 Date: 02/13/2009 09:48 AM  
 Subject: Re: Request for outside activity

EX. 4

Did you give a copy of this to your supervisor for information purposes?

Peggy Love  
 Attorney (Ethics)  
 Deputy Ethics Official (DEO)  
 Office of General Counsel



7439 AR-N  
(202) 564-1784

FOIA EX6

(1) Employee's name, title and grade: Jacob Sim...

02/12/2009 03:08:31 PM

From: FOIA EX6 ;DC/USEPA/US  
To: Peggy Love/DC/USEPA/US@EPA  
Date: 02/12/2009 03:08 PM  
Subject: Re: Request for outside activity

---

(1) Employee's name, title and grade: FOIA EX6 ns, Senior Budget Officer, GS-14

(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected: University of EX6 Adjunct Faculty, Salary is dependent upon the number of courses taught, but is not expected to exceed \$10k.

(3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months): University of EX6

(4) The estimated time to be devoted to the activity: 10 hrs per week--majority of time spent during weekends

(5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required): Service performed at employees home, outside of normal duty hours

(6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment: I state that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

(7) The basis for compensation (e.g., fee, per diem, per annum, etc.): Per course

(8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102; and I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102

(9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.  
NA

"May you always have in your arms the one who is in your heart."

FOIA EX6 DBA  
Resource Management Office, SBO  
Office of General Counsel  
Environmental Protection Agency  
Ariel Rios North, RM 4312A  
Office: 202-564-5187  
Fax: 202-564-1773

Peggy Love

EX6 - Here is the link to the EPA Supplement...

02/12/2009 02:52:47 PM



## Fugh, Justina

---

**From:** Fugh, Justina  
**Sent:** Friday, October 10, 2014 7:11 PM  
**To:** FOIA EX 6  
**Subject:** approval of the outside activity

Hi Alyssa,

In the absence of your Deputy Ethics Official, Jennie Keith, I have received your request to engage in outside activity as a pro bono attorney for FOIA EX 6 to help draft wills, powers of attorney, living wills, and other documents. Based on the information you have provided, I am approving your request as consistent with 5 C.F.R. Part 2635, Subpart H.

Here are some reminders:

- Representation -- don't forget, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest. See 18 USC §§ 203 and 205. In your capacity as a pro bono attorney, you cannot contact the US government on behalf of your clients or the FOIA EX 6
- Misuse of Position -- Under no circumstances can you use government time, equipment, resources or property to engage in this compensated outside activity. You cannot use your EPA email address nor use your work station, computer or blackberry at any time (even during non-work hours or weekends) in conjunction with this outside activity. You may include a brief reference to your EPA position and title in your biography, but only so long as there are at least two other significant biographical details. You may not use non-public EPA information or affix the EPA seal or logo to any presentation materials you use in your outside capacity.
- Disclosure on the OGE-450 -- You will need to report this position on your financial disclosure report.

I'll put a copy of this approval in your file for Jennie. As always, if you have any questions, please feel free to contact me at 564-1786.

Have a great weekend!

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Packard, Elise  
**Sent:** Wednesday, October 01, 2014 5:39 PM  
**To:** Fugh, Justina  
**Cc:** FOIA EX 6 Rhodes, Julia  
**Subject:** FW: Pro-bono work

Hi Justina,

This looks fine to me.



Thanks.

Elise

Elise B. Packard  
Associate General Counsel for Civil Rights and Finance  
U.S. EPA Office of General Counsel, Rm. 7353C  
(202) 564-7729

**From:** FOIA ~~EXC~~  
**Sent:** Tuesday, September 30, 2014 5:41 PM  
**To:** Packard, Elise  
**Subject:** FW: Pro-bono work

Elise –

As I mentioned earlier today, I'm interested in doing some pro bono work. See below for a description. Please then forward this email to Justina Fugh, indicating that you support the idea. If you have any questions, please let me know. Thanks!

~~EXC~~

- name, title and grade:  
EX. 6 I, Attorney Advisor, GS-14
- the nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:  
Volunteering with FOIA ~~EX. 6~~ / to help draft wills, powers of attorney, living wills, and other documents. No compensation.
- the name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next six months):  
Legal Counsel for the Elderly
- the estimated time to be devoted to the activity:  
5 hours/week.
- whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required):  
The service will be performed entirely outside of normal duty hours.
- a statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment:  
No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment/volunteering.
- the basis for compensation (e.g., fee, per diem, per annum, etc.)  
No compensation.
- a statement that you have read, are familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on "Outside Activities) and Section 6401.103 (EPA's Supplemental Regulations):  
I have read, am familiar with, and will abide by the restrictions described in 5 CFR 2635 (Subpart H on "outside activities" and section 6401.103 (EPA's Supplemental Regulations)

and

- an identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.



None.

**From:** FOIA EX 6  
**Sent:** Tuesday, September 30, 2014 9:55 AM  
**To:** Fugh, Justina  
**Subject:** FW: Pro-bono work

Justina –

I'd like to do some pro bono work with T. FOIA EX 6. It will be on a volunteer basis, outside of work hours. Is there a form I need to fill out or other information I need to provide or other information you need?

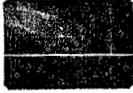
Thanks.

FOIA EX 6  
US EPA Office of General Counsel  
Phone: 202- FOIA EX 6  
Fax: 202-564-5416

**From:** Fort, Daniel  
**Sent:** Tuesday, September 30, 2014 9:48 AM  
**To:** FOIA EX 6  
**Subject:** Pro-bono work

Greetings! You'll need to send an email to Justina Fugh. She is the Deputy Ethics Official for the Office of General Counsel while Jennie Keith is on maternity leave.





Re: Fw: Re: Request for Approval for Outside Activity  
Justina Fugh to: FOIA EX 6

12/14/2009 10:28 AM

hi EX 6

This note confirms that I have reviewed and approve your request to engage in outside activity to teach at FOIA EX 6 University. Because you are teaching in your personal capacity, you are advised to abide by 5 CFR 2635.807(b)(2) in making reference to your official title and position. Under this provision, you may not refer exclusively to your EPA title or position in connection with your teaching. Instead, you should provide at least two other biographical details so that EPA does not have any undue prominence. I will print out a copy of this approval for your financial disclosure file.

Justina

Justina Fugh \* Senior Counsel for Ethics \* Office of General Counsel \* US EPA (Mail Code 2311A) \* Room 4308 Ariel Rios North \* Washington, DC 20460 \* phone 202-564-1786 / cell 202-731-3631 / fax 202-564-1772

FOIA EX 6 Justina, I'm forwarding you Carol Ann's approva...

12/14/2009 09:04:23 AM

From: FOIA EX 6 is/DC/USEPA/US  
To: fugh.justina@epa.gov  
Date: 12/14/2009 09:04 AM  
Subject: Fw: Re: Request for Approval for Outside Activity

Justina,

I'm forwarding you Carol Ann's approval of my request to get clearance to teach at University. If I understand the process correctly, the next step is for you/the Ethics Office to review my request.

Thanks!

FOIA EX 6 s  
U.S. Environmental Protection Agency  
Office of General Counsel  
International Environmental Law Practice Group  
(ph) 202. FOIA EX 6  
FOIA EX 6 1@epa.gov

-----Forwarded by Jocelyn Adkins/DC/USEPA/US on 12/14/2009 09:01AM -----

To: FOIA EX 6 is/DC/USEPA/US@EPA  
From: CarolAnn Siciliano/DC/USEPA/US  
Date: 12/12/2009 11:34AM  
cc: David Gravallesse/DC/USEPA/US@EPA  
Subject: Re: Request for Approval for Outside Activity

Thank you, EX 6. I approve your request.

Carol Ann Siciliano  
Associate General Counsel  
Cross-Cutting Issues Law Office  
Office of General Counsel  
(202) 564-5489

FOIA EX 6 12/01/2009 04:45:57 PM---Carol Ann, With this email, I am requesting approval to



develop and teach an on-line course on Int

From: FOIA EX 6 s/DC/USEPA/US  
To: CarolAnn Siciliano/DC/USEPA/US@EPA  
Date: 12/01/2009 04:45 PM  
Subject: Request for Approval for Outside Activity

Carol Ann,

With this email, I am requesting approval to develop and teach an on-line course on International Environmental Policy for Johns Hopkins University. Per Justina Fugh's guidance, I have provided below what I understand to be the necessary information.

FOIA EX 6 s  
U.S. Environmental Protection Agency  
Office of General Counsel  
International Environmental Law Practice Group  
(ph) 202 FOIA EX 6  
FOIA EX 6 n@epa.gov

- FOIA EX 6 s  
Attorney-Advisor  
OGC/CCILO  
GS-15
- Nature of Activity: To co-develop and co-teach, as an adjunct professor, an on-line three credit hour International Environmental Policy course offered as part of FOIA EX 6 s University's Master of Science in Environmental Sciences and Policy Program.  
Compensation: \$ EX 6 ) (\$ EX 6 for co-development and \$ FOIA EX 6 for co-teaching the course).
- Work to be performed for:  
FOIA EX 6  
FOIA EX 6 School of Arts and Sciences
- Estimated time to be devoted to the activity:  
Development of course: approximately 30 hours.  
Teaching of course: Approximately 80 hours over the course of 16 weeks beginning January 23, 2010 (approximately 5 hrs per week).
- Outside activity is to be performed entirely outside normal duty hours.
- No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside activity. EX 6 will provide any resources



needed to perform responsibilities.

- I have read and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on "Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations).



Peggy Love/DC/USEPA/US  
01/14/2008 05:33 PM

To . FOIA EX 6 C/USEPA/US  
cc CarolAnn Siciliano/DC/USEPA/US@EPA  
bcc

Subject Re: Outside Employment - Request for Approval

EX 6 -

I reviewed your request below for outside employment to serve as an adjunct professor with  
FOIA EX 6 University, Advanced Academic Programs. Your request is approved.

This approval is good for five years. I will place a copy in your ethics file that I have in my office.

Peggy Love  
Attorney (Ethics)  
Deputy Ethics Official (DEO)  
Office of General Counsel  
7439 AR-N  
(202) 564-1784  
FOIA EX 6 DC/USEPA/US



EX 6 /DC/USEPA/US  
01/14/2008 03:39 PM

To Peggy Love/DC/USEPA/US@EPA  
cc CarolAnn Siciliano/DC/USEPA/US@EPA  
Subject Outside Employment - Request for Approval

Peggy,

This emails serves as my Request for Approval to serve as an adjunct professor with FOIA EX. 6  
University, Advanced Academic Programs. I reviewed 5 CFR 6401.103 and have provided the required  
information below.

Thanks!

FOIA EX 6  
CCILO/IELPG  
FOIA EX 6

\*\*\*\*\*

OUTSIDE EMPLOYMENT

FOIA EX. 6  
Office of General Counsel  
Cross-Cutting Issues Law Office  
International Environmental Law Practice Group  
Attorney-Advisor  
GS-15



I have been hired by FOIA EX 6 s University (JHU) to serve as an adjunct professor for the Advanced Academic Programs. I will co-teaching International Environmental Policy (course no. 1) on Wednesday nights from 6:00-8:45 for fourteen weeks, beginning January 23, 2008. I will be teaching at FOIA EX 6 campus: FOIA EX 6 SE FOIA EX 6

I will be paid \$, FOIA EX 6 for my services.

My services will require the following amount of time:

Class time: 38.5 hours

Class preparation and grading: 50 hours

Total: 88.5 hours over 16 weeks (two weeks following end of course to provide grades).

Services will be performed entirely outside of my normal working hours.

No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with my employment with EX 6. EX 6 will provide all the resources I need to perform my designated responsibilities (e.g., classroom, email account, computers, copiers, library, etc.)

FOIA EX 6 01/21/08



Peggy Love/DC/USEPA/US  
01/22/2007 09:03 AM

To FOIA EX 6 C/USEPA/US  
cc Peggy Love, Pat Hirsch,  
bcc  
Subject Re: Outside Employment - Request for Approval

FOIA EX 6

I have considered your request below for authorization to engage in outside employment to serve as an adjunct professor for the FOIA EX 6 University's Advanced Academic Programs. You will co-teach International Environmental Policy (course no. 420.650) on Thursday nights. You will not use official duty time or Government property, resources or facilities not available to the general public in connection with teaching this course. In addition, you have read, are familiar with and will abide by the restrictions described in 5 CFR part 2635, in particular 5 CFR part 2635.807, Teaching, Speaking, and Writing, and 5 CFR 6401.102, the EPA Supplemental Ethics Regulations.

I approve your request for engaging in this outside employment activity in accordance with 5 CFR 6401.103 and 5 CFR 2635. I will place a copy of this e-mail in your ethics file.

This approval is valid for five years. Your request would need to be updated if there is a change in the nature or scope of your duties or services performed or the nature of your business, or if you transfer to an organization for which a different Deputy Ethics Official has responsibility.

Peggy Love  
Attorney (Ethics)  
Deputy Ethics Official (DEO)  
Office of General Counsel  
7439 AR-N  
(202) 564-1784  
FOIA EX 6 DC/USEPA/US



EX 6 DC/USEPA/US  
01/21/2007 06:19 PM

To Peggy Love/DC/USEPA/US@EPA  
cc  
Subject Outside Employment - Request for Approval

Peggy,

This email serves as my Request for Approval to serve as an adjunct professor with Johns Hopkins University, Advanced Academic Programs. I reviewed 5 CFR 6401.103 and have provided the required information below.

Thanks!

EX 6  
CCIL O/IEL PG  
x EX 6

OUTSIDE EMPLOYMENT



FOIA EX 6  
Office of General Counsel  
Cross-Cutting Issues Law Office  
International Practice Group  
Attorney-Advisor  
GS-15

I have been hired by FOIA EX 6 ; University EX 6 to serve as an adjunct professor for the ENG ...  
Advanced Academic Programs. I will co-teaching International Environmental Policy (course no. EX 6 ;  
on Thursday nights from 6:00-8:45 for fourteen weeks, beginning January 25, 2007. I will be teaching at  
EX 6 s FOIA EX 6 campus: FOIA EXEMPTION 6 ).

I will be paid \$ EX 6 for my services.

My services will require the following amount of time:

Class time: 38.5 hours

Class preparation and grading: 65 hours

Total: 103.5 hours over 16 weeks (two weeks following end of course to provide grades).

Services will be performed entirely outside of my normal working hours.

No official duty time or Government property, resources, or facilities not available to the general public will  
be used in connection with my employment with EX 6 . EX 6 will provide all the resources I need to perform  
my designated responsibilities (e.g., classroom, email account, computers, copiers, library, etc.)

FOIA EX 6 01/21/07

Peggy Love/DC/USEPA/US

Peggy Love/DC/USEPA/US  
12/15/2006 02:27 PM

To FOIA EX 6 DC/USEPA/US@EPA  
cc love.peggy@epa.gov, Justina Fugh/DC/USEPA/US@EPA  
Subject Re: Question re employment outside of EPA

Hi EX 6 .

As promised, here is the link to the 5 CFR 6401.103, the EPA Supplemental Ethics Regulation  
dealing with outside employment.  
<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=2fbd6aa6e566574f9a015304be9990b2&rgn=div5&view=text&node=5:3.0.34.11.1&idno=5#5:3.0.34.11.1.0.50.3>

You will need to send me an e-mail/memo following the criteria in the regulation. I am out next  
week, but if you need to get it approved before I return on 12/26, Justina Fugh will be available.

Thanks.

Peggy Love  
Attorney (Ethics)



Deputy Ethics Official (DEO)  
Office of General Counsel  
7439 AR-N  
(202) 564-1784  
FOIA EX6 DC/USEPA/US



EX6/DC/USEPA/US  
12/14/2006 05:00 PM

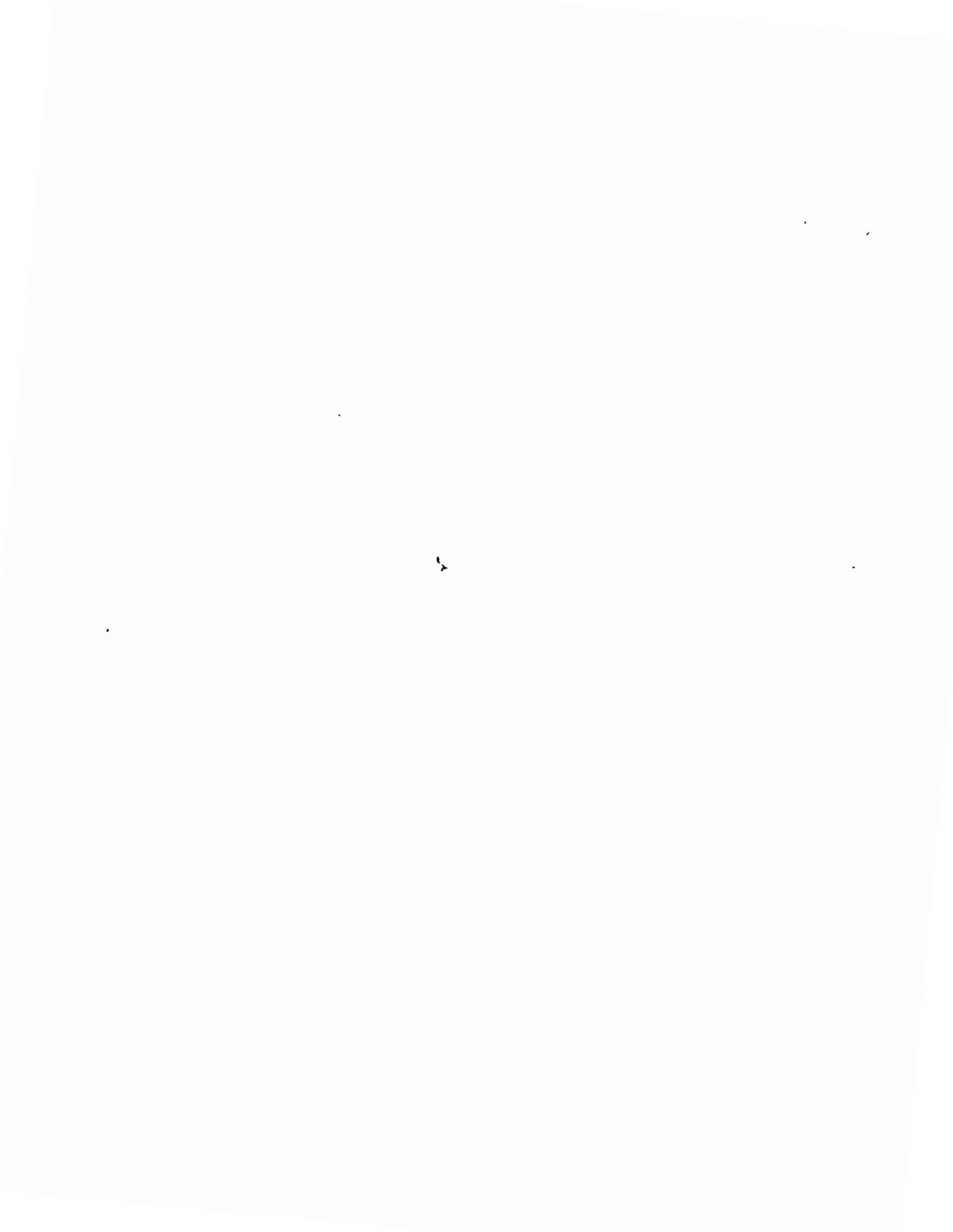
To Peggy Love/DC/USEPA/US@EPA  
cc  
Subject Question re employment outside of EPA

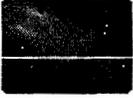
Hi Peggy,

Next semester, I am going to be teaching *International Environmental Policy* for FOIA EX6 Environmental Masters Program (one course, spring semester). This being the case, is there any paperwork I need to submit to the OGC/Ethics office - or do I need to get specific approval?

Please let me know. Thanks!

EX6  
U.S. Environmental Protection Agency  
Office of General Counsel  
phone: 202-564-5424  
fax: 202-564-5412





approval of outside activity  
Justina Fugh to: FOIA Ex6

09/15/2010 05:54 PM

EX6

This note confirms that I have reviewed and approve your request to engage in outside activity to update a chapter on the visibility protection program for the *EX6* publication, the Clean Air Act Handbook. The approval extends only to this chapter. Because you are writing in your personal capacity, you are advised to abide by 5 CFR 2635.807(b)(2) in making reference to your official title and position. Under this provision, you may use or permit the use of your title or position in connection with this article to be published in a professional journal. However, you are required to include a reasonably prominent disclaimer stating the following:

This work is not a product of the United States Government or the United States Environmental Protection Agency, and the author is not doing this work in any governmental capacity. The views expressed are those of the author only and do not necessarily represent those of the United States or the US EPA.

You may not accept any compensation for this work, though you are permitted to receive copies of the book. I will print out a copy of this approval for your financial disclosure file.

Justina

Justina Fugh \* Senior Counsel for Ethics \* Office of General Counsel \* US EPA (Mail Code 2311A) \*  
Room 4308 Ariel Rios North \* Washington, DC 20460 \* phone 202-564-1786 / cell 202-731-3631 / fax  
202-564-1772



September 10, 2010

**TO:** Justina Fugh, Deputy Ethics Official

**CC:** Richard Ossias, Associate General Counsel

**FR:** FOIA EX 6, Senior Attorney (GS-15) W. Keane

**RE: Request for Approval of Outside Employment**

The American Bar Association (ABA) has asked me to update a chapter on the visibility protection program for the ABA publication, THE CLEAN AIR ACT HANDBOOK. I request that I be given approval for this project.

I will receive no compensation for updating this chapter.

As you know, the ABA is a voluntary professional organization. The ABA provides law school accreditation, continuing legal education, information about the law, programs to assist lawyers and judges in their work, and initiatives to improve the legal system for the public.

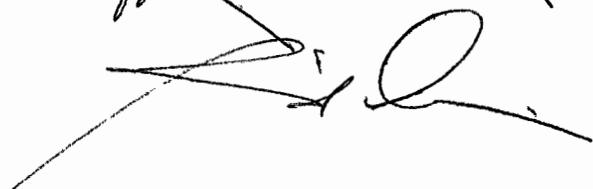
I anticipate that this project will require approximately 60 hours of my time. My supervisor, Richard Ossias, has stated that I may devote a reasonable number of working hours writing for professional publications as part of my career development. I anticipate spending approximately 10 hours or less working on this project during normal duty hours and to utilize weekends, evenings, and holidays to write the chapter. Other than these hours, no Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

I have read, and am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on "Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations).

According to the ABA, there are no EPA assistance agreements or contracts held by the ABA.

~~On the basis that <sup>EPA</sup>Lea's work is directly related to the work she will do (described above), I approve this as fully within Lea's official duties.~~

revised  
per email  
9/14/10





Peggy Love/DC/USEPA/US  
01/10/2007 06:29 PM

To FOIA EX 6 DC/USEPA/US  
cc Pat Hirsch/DC/USEPA/US@EPA, Steve  
Wolfson/DC/USEPA/US@EPA  
bcc  
Subject Re: Request for Approval of Outside Employment

FOIA EX 6

I have considered your request below for authorization to engage in outside employment to co-teach a seminar with FOIA EX 6 of OGC/CCILO/IELPG on international environmental law at the University of EX 6 School of Law in EX 6. You will not use official duty time or Government property, resources or facilities not available to the general public in connection with teaching this seminar. In addition, you have read, are familiar with and will abide by the restrictions described in 5 CFR part 2635, in particular 5 CFR part 2635.807, Teaching, Speaking, and Writing, and 5 CFR 6401.102, the EPA Supplemental Ethics Regulations.

I approve your request for engaging in this outside employment activity in accordance with 5 CFR 6401.103 and 5 CFR 2635. I will place a copy of this e-mail in your ethics file.

This approval is valid for five years. Your request would need to be updated if there is a change in the nature or scope of your duties or services performed or the nature of your business, or if you transfer to an organization for which a different Deputy Ethics Official has responsibility.

Peggy Love  
Attorney (Ethics)  
Deputy Ethics Official (DEO)  
Office of General Counsel  
7439 AR-N  
(202) 564-1784  
FOIA EX 6/DC/USEPA/US

FOIA EX 6/DC/USEPA/US  
01/10/2007 05:14 PM

To Peggy Love/DC/USEPA/US@EPA  
cc Pat Hirsch/DC/USEPA/US@EPA, Steve  
Wolfson/DC/USEPA/US@EPA  
Subject Request for Approval of Outside Employment

Peggy,

In accordance with EPA supplemental ethics regulation 5 CFR 6401.103, I request approval for outside employment. I have been asked to team teach a seminar on international environmental law at the University of FOIA EX 6 School of Law in FOIA EX 6 with my OGC/CCILO/IELPG colleague, FOIA EX 6. I taught the same course last year with my colleague FOIA EX 6.



The seminar will cover most international environmental law issues, including international agreements in the areas of air pollution, water pollution, species protection, climate change, and international management of chemicals and hazardous wastes; international environmental law issues associated with free trade; and extraterritorial application of U.S. domestic environmental law. Consequently, the course will draw upon the extensive knowledge of these issues I have gained by working on them for over fifteen years in OGC.

The seminar would mainly be taught every Monday from 4:10 to 6:00 p.m. during the Spring Semester of 2007. Our first class will take place on January 12th and our last class is scheduled for April 23rd. I will not use official time or government property, nor use government resources or facilities not available to the general public, in connection with teaching this course. I have read and will abide by the restrictions described in 5 CFR Part 2635 and 5 CFR Sec. 6401.103.

The University of <sup>FOIA EX 6</sup> Law School has offered to pay me a \$ <sup>FOIA EX 6</sup> stipend to teach the course. Because the course will require multiple presentations and is part of the regularly established curriculum at an institute of higher education, I believe this compensation is allowed under 5 CFR 2635.807(a)(3).

As required by 5 CFR Sec. 6401.103(b), I am sending a copy of this request to my supervisor, Patricia Hirsch. I'm also sending a copy to my acting Practice Group Leader, Steve Wolfson.

Thank you for your consideration of this request.

Best Regards,

<sup>FOIA EX 6</sup>  
Senior Attorney



Peggy Love/DC/USEPA/US  
01/30/2006 10:23 AM

To Roger Martella/DC/USEPA/US  
cc FOIA EX 6 DC/USEPA/US@EPA  
bcc  
Subject Re: Request for Approval of Outside Employment

Roger - Thanks. I will put a copy of this e-mail in EX 6 file. Peggy

Peggy Love  
Attorney (Ethics)  
Deputy Ethics Official (DEO)  
Office of General Counsel  
7454K AR-N  
(202) 564-1784  
FOIA EX 6 /DC/USEPA/US

Roger  
Martella/DC/USEPA/US  
01/30/2006 07:10 AM

To EX 6 /DC/USEPA/US@EPA  
cc Peggy Love/DC/USEPA/US  
Subject Re: Request for Approval of Outside Employment

This is ok with me. Thanks. --Roger  
FOIA EX 6

From: FOIA EX 6;  
Sent: 01/27/2006 07:42 PM  
To: Roger Martella  
Cc: Peggy Love  
Subject: Request for Approval of Outside Employment

Roger --

In accordance with EPA supplemental ethics regulation 5 CFR 6401.103, I request approval for outside employment. I have been approached to team teach a seminar on international environmental law at the University of FOIA EX 6 School of Law in FOIA EX 6, with my OGC/IELO colleague, EX 6  
FOIA EX 6

The seminar would cover the full range of international environmental law issues, including international agreements in the areas of air pollution, water pollution, species protection, climate change, and the international management of chemicals and hazardous wastes; international environmental legal issues associated with free trade, protection of human rights, and international financial institutions; and extraterritorial application U.S. domestic environmental law. Consequently, the course would utilize and reinforce my knowledge of international legal issues of interest to EPA and allow me to gain depth and breadth in areas of international environmental law for which I do not currently have the staff attorney lead within OGC/IELO. I also believe the course will be beneficial because students will become more aware of EPA and other international environmental efforts. For each of these reasons I think the course would be worthwhile from the perspective of the EPA Office of General Counsel.



The seminar would be taught every Monday from 4:10 -6:00 p.m. during the Spring Semester of 2006. I will not use official duty time or government property, nor use government resources or facilities not available to the general public, to instruct the students in this course. I have read and will abide by the restrictions described in 5 CFR 6401.103.

The University of ~~FDIA EX 6~~ Law School has offered to pay each of us a \$ ~~EX 6~~ fee to teach the course. Because the course will require multiple presentations, this compensation is allowed under U.S. law. Furthermore, since the course will be taught in Baltimore, the funds will largely be used to defray transportation expenses.

Please let me know and Peggy Love know whether your are willing to approve this request. Thank you for your attention to this matter.

FDIA EX 6



In case you have extra time next week, this ethics advice will be helpful (FOIA ex6)!

Jennie Keith o FOIA ex6

04/07/2011 11:00 PM

Cc: Richard Kuhlman, Jennie Keith

History. This message has been forwarded.

Dear ex6,

This email provides comprehensive guidance to you regarding your outside activity of authoring a chapter for the book, "FOIA EXEMPTION 6." I am writing to confirm that you may engage in this outside activity provided that you follow the parameters below. These parameters ensure that your activities do not conflict with your professional responsibilities as a public servant and that your activities are consistent with the Standards of Ethical Conduct for Employees of the Executive Branch.

Rich: you have been cc'd here so that you're aware of the types of ethics issues that may arise for writing activities done in an outside capacity.

Please do not hesitate to contact me regarding any guidance presented below.

Regards, Jennie

202-564-3412

### **Background**

You are writing a chapter for a book for publication that will address a key trend in the conflict resolution field that is characterized by the integration of conflict resolution into diverse disciplines and spheres and by other fields making contributions to conflict resolution. Based on your information, the book will focus on how conflict resolution theory and processes are being used to address some of the most pressing challenges confronting the world today, including global warming, political violence and terrorism, and humanitarian crises. Your chapter will address the application of conflict mainstreaming to (mostly) international environmental issues and may specifically cover the topic of climate change.

### **Parameters for your writing**

#### **Compensation**

You have stated that your work will be uncompensated. That presents no ethics issues for us, but here's summary of what "compensation" means. You already know that you cannot accept royalties or an advance for writing the chapter because it relates directly to your EPA duties. But, compensation also means any reimbursement for your expenses while writing – paper and copying expenses, computer-related expenses, research-related expenses, hiring a research assistant to help, etc. It really does mean any form of consideration given for your writing activities.

There are some important exceptions, too. When you sign the publishing agreement, a publisher will typically commit to provide you a reasonable number of complimentary copies of the chapter/book. The publisher will usually give you a discount to purchase any of the publisher's other books. Depending on the type of book, the publisher may want to reimburse for travel expenses related to the chapter (e.g. the publisher may ask you to discuss your chapter at a conference). You may accept all of these items. They are not considered compensation. For



more about the definition of compensation, please see 5 CFR 2635.807(a)(2)(iii).

Why is it important that your work be uncompensated? Because you cannot receive compensation for writing that relates to your official duties. Receipt of compensation implicates a criminal statute, 18 U.S.C. 209 and the regulatory rule at 5 CFR 2635.807. Based on the description you have provided me, I have determined that your proposed writing is related to your official duties because your writing deals in significant part with EPA's policies and programs. If we need to reexamine this determination, please do follow up with me. But, for now, because the writing is related to your official duties, this means that you cannot accept any compensation.

Since you have already affirmed that you will not accept compensation, this does not seem to be a problem. However, I thought it would be useful for you to see how broad the term, "compensation" is.

### **Use of EPA title and position**

One of principles we commit to uphold as public servants is that we will not use our public office for our own private gain or for the gain of others. Therefore, as executive branch employees, we cannot leverage our official government jobs to promote our outside activities, which includes inappropriately referencing our official titles. There are a few exceptions to this rule and the following discusses the context in which you may reference your official EPA position. To view the actual regulation about this area, please see 5 CFR 2635.807(b)(2) and 5 CFR 2635.702.

### **The Author Byline (e.g. ~~FOIA EX 6~~ U.S. Environmental Protection Agency\*)**

You have indicated that you are not sure about whether you will use your EPA or ~~FOIA EX 6~~ University affiliation when you identify yourself in the book. The good news is that you may choose to use your EPA affiliation, BUT if you do, then you MUST use a reasonably prominent disclaimer.

### **Required Disclaimer**

"This work is not a product of the United States Government or the United States Environmental Protection Agency, and the author is not doing this work in his governmental capacity. The views expressed are those of the author only and do not necessarily represent those of the United States or the U.S. EPA."

### Requirements for disclaimer language

OGC/Ethics suggests that you use this disclaimer as it's clear about the status of your writing. However, if you choose to alter it, the disclaimer must be clear about the following three items: 1) you must be clear that you are not writing in your official capacity, that this is a personal activity; 2) the writing does not belong to the U.S. Government; and 3) that you are expressing your views only and you are not representing the EPA. The disclaimer must include these three items because you cannot confuse your readers. You do not want to give the impression that you are writing in your government capacity or that the government sanctions your work. Readers need to understand that your work does not implicate the government in any way whatsoever. We in the ethics office provide the prudential advice of "avoiding confusion." The purpose of the disclaimer is to do just that.



### What does “reasonably prominent” mean?

The disclaimer should be closely connected to your byline and it should be given the same prominence as any text of your chapter (i.e., no fine print). You’ll note that I’ve included an asterisk in your byline title above. The asterisk is not required, but there should be some sort indication to trigger readers to view the disclaimer. For example, if the disclaimer appears immediately after your byline, then an asterisk is not required; however, if the disclaimer appears at the bottom of the page, then there should be some sort of notation, like there is for a footnote, to alert readers about the status in which you are writing.

### **The Author Biography**

You mentioned that you are familiar with the second exception when it comes to referencing our official EPA positions. You are correct when you refer to the minimum three biographical details. Here’s a little bit more information about what those three details entail. You may reference your official title and position in your biography so long as it’s one of several biographical details (the minimum is three) and that your description of your official work is given no more prominence than any other biographical details. For example, you could not write a paragraph that focuses solely on your federal career while including one sentence to your education and professional details. Again, under our mantra of “avoiding confusion,” a biography that’s weighted on your federal career may give readers the impression you are writing in your official government capacity. Finally, if you include a biography and do not identify your EPA affiliation in your byline, then you do NOT have to include a disclaimer.

### **Is a disclaimer required?**

Even if your byline does not identify you with your EPA affiliation, is a disclaimer a good idea? My position is that disclaimers never hurt and can be a good idea. If you decide to include a disclaimer when it is not required, I strongly recommend that you use the disclaimer provided above or closely hew to it.

### **Promotion and Publicity**

After the book is published, may I participate in the publisher’s promotion of it? Yes, but be careful. Remember, you are not in your governmental capacity, so any events you do need to conform to the guidance above about referencing your official title and position. Use verbal disclaimers when necessary.

To the extent the publisher promotes the book, you may need to advise the publisher that it cannot use the fact that you are an EPA employee to promote its book. Factually, the publisher may reference that an author who also happens to work at EPA contributed a chapter to the book. What the publisher cannot do is to encourage people to buy the book because the EPA contributed a chapter. Just like we personally cannot leverage our positions to promote our outside activities, we cannot permit others to use our government position to promote their products – that’s also a misuse of position. If the publisher plans to showcase the book’s authors to highlight the book, you have an obligation to make them aware of any limitations it has with respect to your contribution. Please follow up with me if you need more specific guidance in this area, especially after the book is published.

Remember that should the Publisher wish to pay your travel expenses in connection with any promotion of the chapter/book, you may accept those expenses. These expenses are specifically excluded from the definition of “compensation” (see discussion above). However, these



expenses do constitute a gift to you personally and you may be required to report them on your confidential financial disclosure report that you file every February 15.

How may I personally promote my chapter? My I tell my EPA colleagues? Of course, in everyday conversation, you may tell people what you've been working on. If they ask you how they can buy the book, you may share that information. Here's what not to do: 1) do not advertise the book or your chapter using your EPA email address; 2) it's best to obtain personal email addresses of your EPA colleagues or others you know through your EPA work if you would like to share information about the book/chapter; 3) please, do not go to a conflict resolution conference on official EPA time and, while there, set up a table promoting the book/chapter (yes, this actually happened!). As you can see, what these scenarios are avoiding are any misuse of position issues that may arise through your own personal information sharing/promotion of the book/chapter. Please see the section immediately below for more on this topic. Also, please do not hesitate to contact me to work through any of these types of questions when the book is published.

### **Use of EPA time, resources, and equipment**

Other than the use of our official titles and positions, several other issues can also present misuse of position scenarios. EPA's *Policy on Limited Personal Use of Government Office Equipment* , EPA Order CIO 2101.0, is the definitive guidance on most of these issues.

#### **Use of official time**

You anticipate that your writing activities will take approximately 160 hours to complete, 40 of which you expect to take annual leave. The remaining work you expect to accomplish outside of duty hours. Generally, you cannot use official time for your own personal activities. You have already stated you will not do so – thank you for this confirmation. However, if necessary, you may spend a reasonable amount of time to do tasks that normally cannot be completed outside of business hours. For example, if you need to call the publisher during the workday to confirm receipt of your manuscript, that is okay. What's not okay is to spend several official duty work hours on this project.

#### **Use of equipment and resources (including your government email address)**

Generally, you cannot use government resources or equipment to support your personal activities. According to the limited use policy, you may use government equipment so long as it does not cost the government anything. For example, on the weekends, you may use the EPA computer to write your drafts, however, you may not use the government printers to print several drafts of your work.

Government equipment also includes use of your government email address. In our discussion above about "avoiding confusion," I recommend that you use a separate email address to conduct this activity. For example, your publisher may assume that you are writing in your EPA capacity if you use your EPA email address to correspond. Use of the government email address can easily be construed that you are doing this activity in your official capacity, or at minimum, give the imprimatur that the Agency is supporting your activity. Unless it's clear that you are conducting this in your personal capacity, I always recommend keeping your EPA email account separate from personal outside activities.

#### **Use of non-public information**

You can never use non-public information to support your personal outside activities.



How do we know whether government documents are non-public? Typically, we go by the standards of the Freedom of Information Act (FOIA). If the document is not *releasable under FOIA*, then it is considered non-public information. Nothing in the information you presented gives me any concern that your activity includes non-public information.

### **Impartiality/Appearance Issues**

Be aware that if your editor, FOIA EX6, or the publisher, FOIA EX6, ever intersect with your official duty work, then you will have appearance issues. You have signed a publishing contract with them or have some sort of business relationship with them. Because of this, you have a "covered relationship" with them during your contract under the impartiality standards and a one year "cooling-off period" after you complete your activities on this project. For example, if you have no further obligations once you turn in your chapter – let's say that you submit the chapter in July 2011 – then you cannot work in your official capacity on anything that involves the publisher or the editor for one year, or until July 2012. In the unlikely event your work does intersect – most likely through an invitation to officially speak at a conference – consult with me, your Deputy Ethics Official. Do not work on the matter until you have discussed the matter with me.

Furthermore, because this chapter relates to your official duties, you should be sensitive about how the final product will intersect with your official duties. For example, if this book will become the go-to book for conflict resolution, you should be aware that there may be ethics issues should you recommend that EPA purchase the book, or if you are asked to review the book for use within the EPA or Federal community.

### **Publication Agreement**

Finally, here are some tips to consider when you sign the publication agreement.

- Be sure to sign the agreement in your personal capacity without reference to your government position
- For intellectual property purposes, you personally or the publisher will own the copyright on this chapter – NOT the government.
- Can you accept copies of the book? Or discounts provided by the publisher? See the section regarding compensation for these answers.

FOIA EX6

Thanks Jennie. I'll identify myself with at least t...

03/22/2011 08:57:52 AM

From: FOIA EX6 /DC/USEPA/US  
To: Jennie Keith/DC/USEPA/US@EPA  
Date: 03/22/2011 08:57 AM  
Subject: Re: Fw: Request for Approval of Outside Activity

---

Thanks Jennie.

I'll identify myself with at least three biographical details (per the usual ethics guidance), including my EPA affiliation. I'm not sure at this point whether I will lead with that or my FOIA EX6 University affiliation. Either way, I'll make sure to put in a disclaimer.

EX6

---

FOIA EX6 Ph.D.



Conflict Prevention and Resolution Center  
U.S. Environmental Protection Agency  
"Making Agreement Easier"

FOIA EX6 | www.epa.gov/adr

Jennie Keith

Dear EX6: have not forgotten this (thank you for...

03/18/2011 06:32:46 PM

From: Jennie Keith/DC/USEPA/US  
To: FOIA EX6 /DC/USEPA/US@EPA  
Date: 03/18/2011 06:32 PM  
Subject: Re: Fw: Request for Approval of Outside Activity

---

Dear EX6

I have not forgotten this (thank you for the reminder) and intended to write you a thorough email by the end of this week. But, I don't think that will happen by the end of tonight.

However, what's important for you is that you can do this. If I recall last fall, during transition of ethics duties between Justina and myself, she had orally approved your activity and I was to follow up with an email. That email will come very soon! It will give you thorough guidance about the use of your EPA title, use of disclaimers and biographical data.

Do you plan for the chapter to identify you as FOIA EX6 , EPA?" If so, you'll need to use the reasonably prominent disclaimer.

I think that's it for now. Thank you, Jennie for OGC/Ethics 202-564-3412

FOIA EX6

Jennie, What is the status of the response to my...

03/01/2011 01:17:09 PM

From: FOIA EX6 /DC/USEPA/US  
To: keith.jennie@epa.gov  
Cc: Richard Kuhlman/DC/USEPA/US@EPA  
Date: 03/01/2011 01:17 PM  
Subject: Fw: Request for Approval of Outside Activity

---

Jennie,

What is the status of the response to my request for approval of outside activity?

EX6

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FOIA EX6 Ph.D.  
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U.S. Environmental Protection Agency  
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----- Forwarded by FOIA EX6 /DC/USEPA/US on 03/01/2011 01:15 PM -----

From: Richard Kuhlman/DC/USEPA/US  
To: fuah.justina@epamgov  
Cc: FOIA EX6 /DC/USEPA/US  
Date: 11/10/2010 05:30 PM  
Subject: Fw: Request for Approval of Outside Activity

---

Justina, I support EX6 request. I realize that you no longer have the lead for OGC's ethics questions but, I believe EX6 has already discussed this request with you.

Thanks for your attention to this.

-----  
Sent by EPA Wireless E-Mail Services

FOIA EX6

----- Original Message -----



From: FOIA EX6  
Sent: 11/10/2010 04:38 PM EST  
To: Richard Kuhlman  
Subject: Request for Approval of Outside Activity

Rich,

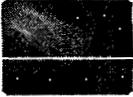
I request that you transmit the following information to Justina Fugh, OGC's Deputy Ethics Official. It constitutes my request for approval of an outside activity. If you have any questions concerning this request, please let me know.

EX6

- FOIA EX6, Conflict Resolution Specialist, GS-15
- Nature of the Outside Activity: I will be writing a chapter for an edited textbook tentatively titled: EX6 FOIA EXEMPTION 6. The book will address a key trend in the conflict resolution field that is characterized by the integration of conflict resolution into diverse disciplines and spheres and by other fields making contributions to conflict resolution. The book will focus on how conflict resolution theory and processes are being used to address some of the most pressing challenges confronting the world today, including global warming, political violence and terrorism, and humanitarian crises. My chapter will address the application of conflict mainstreaming to (mostly) international environmental issues and may specifically cover the topic of climate change. The draft chapter outline provided to me includes the following components: 1) Introduction to the Sector; 2) Discussion of Relevant Theory; 3) Discussion of Conflict Resolution Processes and Skills; 4) Impacting Policy/Systemic Change; 5) Profile of a Practitioner/Scholar/Institution; 6) Case Studies; 7) Challenges in the Field; 8) Questions for Further Discussion; and 9) Recommended Readings/Resources. I will have some ability to influence the overall structure and content of the chapter. The work will be uncompensated.
- Name and Business of the Person or Organization for Which the Work Will Be Done: My colleague, EX6 FOIA EX6, is under contract to Westview Press to edit and produce the book. I will be working with EX6 at his request.
- Estimated Time to Be Devoted to the Activity: I anticipate the project will take about 160 hours to complete.
- I expect much of the work will be accomplished outside of normal duty hours. Based on my experience with similar projects I will likely need to request up to 40 hours annual leave to accomplish the work.
- I will use no official duty time or Government property, resources, or facilities not available to the general public in connection with this outside activity.
- Basis for Compensation: The work will be uncompensated.
- I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on "Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations).
- I have searched both the EPA grant awards database and EPA active contracts report and neither EX6 nor FOIA EX6 appear in either as recipients of EPA assistance agreements or as contractors.

FOIA EX6  
Conflict Prevention and Resolution Center  
U.S. Environmental Protection Agency  
"Making Agreement Easier"  
FOIA EX6 www.epa.gov/adr





your dissertation  
Justina Fugh to: FOIA EXC

11/20/2009 04:29 PM

Hi EXC

My belated thanks for coming by to speak with me on November 12th about your dissertation and your interest in publishing it (presumably for compensation). The general subject matter of your dissertation involves alternative dispute resolution, which is quite similar to the work you perform at EPA. As we discussed, your PhD dissertation, currently entitled "FOIA EXEMPTION 6 . FOIA EXEMPTION 6 .," applies an adapted version of an established turning points framework to nearly 30 environmental negotiation cases that occurred over 30 years in three countries. While some of the case studies involve EPA, you did not participate in any of them. Your dissertation was written while you are an EPA employee, but you did not use any nonpublic information.

Federal employees are generally prohibited from receiving compensation for any teaching, speaking or writing that deals in significant part with their official duties. 5 CFR 2635.807. However, in discussing the matter with you and in reviewing the dissertation itself, I conclude that your work is not captured under this prohibition. It deals generally with your area of expertise and not significantly. Therefore, I conclude that you may seek to have the work published and receive any compensation.

As a reminder, you should check in with me or someone in OGC/Ethics about any reference to your EPA position and title associated with the book. You may not, for example, use your title or position to promote the book, nor may you refer solely to your EPA position and title in your biography. Any reference to EPA position or title should be accompanied by at least two other biographical details, with EPA not having any undue prominence.

Congratulations on completing your dissertation, EXC . I'll return your document to you, I promise!  
Justina

Justina Fugh \* Senior Counsel for Ethics \* Office of General Counsel \* US EPA (Mail Code 2311A) \*  
Room 4308 Ariel Rios North \* Washington, DC 20460 \* phone 202-564-1786 / cell 202-731-3631 / fax  
202-564-1772



Peggy Love/DC/USEPA/US  
04/02/2008 09:22 AM

To FOIA EX 6 //DC/USEPA/US  
cc Pat Hirsch/DC/USEPA/US@EPA  
bcc  
Subject Re: Request for Approval for Outside Employment

EX 6

I reviewed your request for approval for outside employment to serve as an adjunct professor at FOIA EX 6 University. You have been asked to teach a course on environment and conflict in the M.A. in Conflict Resolution Program. Services provided related to this position will include course preparation, teaching class sessions, providing guidance/advice to students outside of class time, and evaluating students' performance. You will be compensated for your work. Most of the services will be performed outside of normal duty hours. On limited occasions, you may request annual leave or a flexible work schedule to accommodate teaching responsibilities, consistent with your approved EPA individual development plan. You will not use official duty time or Government property, resources, or facilities not available to the general public in connection with the outside employment. I approve your request and will place a copy of this e-mail in your ethics file that I have in my office.

This approval is good for five years and must be updated if there is a change in the nature or scope of your duties, or if you transfer to another organization and have a new Deputy Ethics Official.

Peggy Love  
Attorney (Ethics)  
Deputy Ethics Official (DEO)  
Office of General Counsel  
7439 AR-N  
(202) 564-1784  
FOIA EX 6 DC/USEPA/US

FOIA EX 6 //DC/USEPA/US  
04/01/2008 04:54 PM

To Peggy Love/DC/USEPA/US@EPA, Pat  
Hirsch/DC/USEPA/US@EPA  
cc  
Subject Request for Approval for Outside Employment

Peggy,

Following up on your earlier email, I have been offered the position at Georgetown University I mentioned. In accordance with EPA Supplemental Regulations at 5 CFR 6401.103, I am requesting approval for outside employment. Below I provide the information required in the regulations:

(1) Employee's name, title and grade;

FOIA EX 6 Conflict Resolution Specialist, GS-15

(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;

The position is for an adjunct professor to teach a course on environment and conflict in the M.A. in Conflict Resolution Program. Services provided related to this position will include course preparation, teaching class sessions, providing guidance/advice to students outside of class time, and evaluating students' performance.



The amount of compensation is \$ ~~EX6~~ or a single course.

(3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);

~~FOIA EX6~~ University

(4) The estimated time to be devoted to the activity;

I estimate that the position will require approximately five hours/week during the semester in which the course is held (likely Spring 2009). I will need to invest a smaller amount of time per week to prepare for the course prior to that time.

(5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);

Most of the services will be performed outside of normal duty hours. On limited occasions, I may request annual leave or a flexible work schedule to accommodate teaching responsibilities, consistent with my approved EPA individual development plan.

(6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;

I will not use official duty time or Government property, resources, or facilities not available to the general public in connection with the outside employment.

(7) The basis for compensation (e.g., fee, per diem, per annum, etc.);

The salary will be paid on a per course basis.

(8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102;

I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102.

and

(9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

I know of no EPA assistance agreements or contracts with ~~FOIA EX6~~ University related to my work at the Agency.

If you need any additional information or have questions, please let me know.

~~EX6~~

~~FOIA EX6~~ I, Ph.D.  
Acting Director, Conflict Prevention and Resolution Center  
U.S. Environmental Protection Agency  
202.564 ~~EX6~~ (voice)  
202.501.1715 (fax)  
~~FOIA EX6~~ .pa.gov  
www.epa.gov/adr - intranet.epa.gov/adr



Peggy Love

07/16/03 09:50 AM

To: FOIA EXU //DC/USEPA/US  
cc: Tony Guadagno/DC/USEPA/US@EPA, Peggy Love/DC/USEPA/US,  
cc: Peggy Love/DC/USEPA/US@EPA, Tony Guadagno/DC/USEPA/US@EPA  
Subject: Re: Outside Employment

I have reviewed your request to teach a graduate level introductory course at FOIA EXU University from August to December 2003 entitled "Introduction to Conflict Analysis and Resolution." I have determined that your teaching this course will not involve any conduct prohibited by statute or Federal regulation, including the Standards of Ethical Conduct for Employees of the Executive Branch, 5 CFR 2635 and 6401.102. Thanks for bringing this to my attention.

Peggy Love  
Attorney (Ethics)  
7454K AR-N  
(202) 564-1784  
FOIA EXU

FOIA EXU

07/14/03 11:27 AM

To: Peggy Love/DC/USEPA/US@EPA  
cc: Tony Guadagno/DC/USEPA/US@EPA  
Subject: Outside Employment

Peggy,

As discussed, I am sending you information concerning my upcoming outside employment.

(1) Employee's name, title and grade:

FOIA EXU Conflict Resolution Specialist, GS - 15

(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:

**Teaching graduate level introductory course from August to December 2003: Introduction to Conflict Analysis and Resolution. The following is the course description:**

**"Introduction to the field of conflict analysis and resolution. Examines definitions of conflict and diverse view "resolution." Explores thinking about human behavior and social systems as they relate to the origins of conflict in violent and peaceful social change. Considers appropriate responses to conflict at interpersonal, industrial, communal, and international levels."**

**This course is part of the regular curriculum for the M.S. in Conflict Analysis and Resolution.**

**Amount of compensation: FOIA EXU tuition waiver for one semester, free access to field house activities, aqi membership, opportunity to participate in tax sheltered annuity program for retirement**

(3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of



services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):

**Institute for Conflict Analysis and Resolution, FOIA EX 6 University**

(4) The estimated time to be devoted to the activity;

**3 hours/week class time plus 6 hours/week preparation time.**

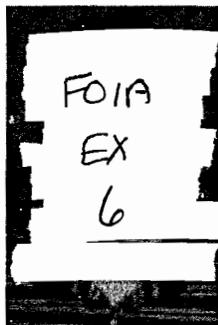
(5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);

**This activity will be performed entirely outside of normal duty hours.**

(6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used:

**I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used.**

FOIA EX 6



FOIA EX 6  
EX 6 @epa.gov  
202.564 voice)  
202.501.0863 (fax)  
[www.epa.gov/adr](http://www.epa.gov/adr) (public Internet)  
[intranet.epa.gov/adr](http://intranet.epa.gov/adr) (EPA only)

**CONFLICT PREVENTION AND  
RESOLUTION CENTER**  
U.S. Environmental Protection Agency



*Our purpose is to improve the quality and implementation of environmental decisions through conflict prevention, public involvement, collaborative decision-making and appropriate dispute resolution procedures*



January 22, 2003

**MEMORANDUM**

**TO:** FOIA EXU  
Attorney  
Pesticides and Toxic Substances Law Office

**FROM:** 15/  
Peggy Love  
Attorney (Ethics)  
Deputy Ethics Official  
Office of General Counsel

**SUBJECT:** Request or Approval of Outside Employment

I have considered your request for authorization to engage in the activities described in your memorandum of January 8, 2003. Based on the information provide in your memo and the memo from FOIA EXU 101 FOIA EXEMPTION 6 dated January 6, 2003, your request is approved in accordance with 5 C.F.R. § 6401.103.

You state that you will be providing services as an attorney. The work may come from the law offices of FOIA EXEMPTION 6 or through self-employment. You will not work on any mater that involves the U. S. Government as a party or any matter that arises under a state program authorized by the U. S. Environmental Protection Agency. Your work will be episodic and will be performed entirely outside of normal duty hours. You will not spend any official duty time or Government property, resources, or facilities not available to the general public in connection with the outside practice. I approve your request for engaging in this outside activity in accordance with 5 C.F.R. § 6401.103.

If you have any questions, please call me at (202) 564-1784.



January 8, 2003

MEMORANDUM

FROM:

FOIA EX6 FOIA EXEMPTION 6  
Attorney  
Pesticides & Toxic Substances Law Office

THRU:

Patricia Roberts Patricia A. Roberts  
Associate General Counsel  
Pesticides & Toxic Substances Law Office

TO:

Peggy Love  
Deputy Ethics Official  
Office of General Counsel

SUBJECT: Request for Approval of Outside Employment

This memorandum is to request approval for outside employment, pursuant to 5 C.F.R. § 6401.103. I provide below the specific information required by that regulation.

(1) Employee's name, title and grade

My name is FOIA EX6. My title is attorney-advisor. My grade level is GS-15.

(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected.

The outside activity is providing services as an attorney. The work may come to me on a project-by-project basis from the law offices of FOIA EXEMPTION 6, C, in FOIA EXEMPTION 6, or may be generated through self-employment. The work will be such as arises in a general law practice, including but not limited to zoning, tort, criminal, contract, bankruptcy, probate, and/or property law. I will not work on any matter that involves the U.S. Government as a party. I will not work on any matter that arises under a state program authorized by the U.S. Environmental Protection Agency. (However, the law firm of FOIA EX6 FOIA EXEMPTION 6 does sometimes handle cases involving the U.S. Government as a party or state programs authorized by EPA. I will not work on such cases, and will not discuss any aspect of such cases with anyone at the law firm.) The work that I will engage in may include, but is not limited to, counseling clients, conducting legal research, writing memoranda summarizing legal authorities, drafting briefs and motions for use in litigation, appearing in court or before local or state agencies (such as zoning appeals boards), etc. Depending on the



circumstances, I may be paid by the hour (likely between \$ 50 and \$ 60 per hour) or on a contingent fee basis (up to 30%, depending on my involvement in the matter). I may also provide legal services at no cost to charitable or non-profit organizations. I may be identified as an attorney of record in certain cases, whereas in others I may simply assist other attorneys who are of record, without filing an appearance in the case.

- (3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services rendered and estimate the number of clients or customers anticipated during the next 6 months).

I will work either (on a project-by-project basis) for the law offices of FOIA EX 6, FOIA EXEMPTION 6, in FOIA EXEMPTION 6, or for myself. The types of services to be rendered are described above, in response to question (2). The number of clients expected in the next six months through self employment is expected to be less than five (and may be zero)

- (4) The estimated time to be devoted to the activity

The work is expected to be episodic - with significant periods of inactivity interspersed with periods when outside work is conducted. When outside work is conducted, it is expected that it will not exceed 16 hours per week.

- (5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required).

The work will be performed entirely outside of normal duty hours.

- (6) The employee's statement that no official duty time or Government property, resources or facilities not available to the general public will be used in connection with the outside employment.

I, FOIA EX. 6 hereby attest that no official duty time or Government property, resources or facilities not available to the general public will be used in connection with the outside activities described in this Memorandum.

- (7) The basis for compensation (e.g. fee, per diem, per annum, etc.)

Compensation will be determined on a project-by-project basis, and may be either on an hourly or contingent fee basis. In addition, I may be reimbursed for expenses (travel, mail, computer research fees, court costs, etc.).

- (8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102.



I, FOIA EX 6, do hereby attest that I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401,102.

- (9) An identification of any EPA assistance agreements or contracts held by a person to or for whom service would be provided.

I have asked FOIA EX 6, a partner at FOIA, EXEMPTION 6 whether the law firm has any assistance agreements with EPA or is under contract with EPA, and have been informed by FOIA EX 6 that no such agreements or contracts exist. I will not knowingly accept as a client an individual or firm that has an assistance agreement or contract with EPA.

DATE \_\_\_\_\_ Approved \_\_\_\_\_ Disapproved \_\_\_\_\_

\_\_\_\_\_  
Peggy Love  
Deputy Ethics Official  
Office of General Counsel





FOIA EX 6  
FOIA EX 6

FOIA EX 6 & FOIA EX 6

Attorneys At Law

Phone  
Fax FOIA EX 6

EX 6 "

FOIA EX 6

FOIA EX 6

FOIA EX 6

Of Counsel

January 6, 2003

FROM:

FOIA  
EX 6

FOIA EX 6

TO:

FOIA EX 6

As you requested, I am sending this memorandum to confirm that any work that I or others of this law firm may ask you to do will not involve any case or controversy involving the United States as a party, and will not involve any case or controversy related to a state program authorized by the United States Environmental Protection Agency. I understand that these limitations are necessary to ensure your compliance with ethical standards related to your employment at the U.S. Environmental Protection Agency.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JAN 12 1998

OFFICE OF  
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Outside Activity

FROM: Hale W. Hawbecker, Attorney  
Cross Cutting Issues Division  
Deputy Ethics Official for the Office of  
General Counsel/Office of the Administrator

TO: FOIA ex 6, Attorney  
Pesticides and Toxics Division

This memorandum is in response to your January 8, 1998 inquiry regarding your continuing pro se citizen suit against the U.S. Department of Agriculture (USDA). As you state in your memorandum, you have previously received ethics advice on this matter from Gerald H. Yamada, Designated Agency Ethics Official, and in subsequent communications from Bridget C. Shea, Acting Designated Agency Ethics Official and Donnell Nantkes, Alternate Agency Ethics Official. All of the previous advice (attached) remains in effect.

You request "reaffirmation" that your activities are in accordance with ethics standards, and ask specifically that I consider (1) the motion that you plan to file against FOIA ex 6 for an assessment of civil penalties which, if granted, will be deposited in the U.S. Treasury, (2) the intervention in a new case relating to the same general subject matter and the same defendants, (3) financial reimbursement/ compensation for your work on the current pro se case including the payment of expenses for expert witness fees for one of the scientists who prepared an affidavit in support of your position in the case and the award of attorneys' fees for the work that you performed in the matter.

EPA's Supplemental Standards of Ethical Conduct, 5 C.F.R. Part 6401 (Supplemental Standards), became effective August 2, 1996. EPA employees must obtain formal approval from the Deputy Ethics Official before, among other things, participating in "the practice of a profession" as defined in 5 C.F.R. 2636.305(b)(1). The filing of a pro se action is not inherently the practice of a profession since it can be done by anyone. However, it is my view that, to the



extent that you are planning to seek attorney fees in the pro se action, you will be acting as an attorney which constitutes "the practice of a profession" requiring approval as an outside activity under the new standards.<sup>1</sup> Your request for approval is timely since you have not yet filed the motion for attorney fees. This memorandum constitutes an answer to your request for approval (as required by the Supplemental Standards) to participate as an attorney in the pro se litigation. I am required to grant this approval unless the outside employment is likely to involve conduct prohibited by statute or federal regulations. I will address the substantive matters that you raise in your memorandum in addition to answering your request for approval of an outside activity.

1. Civil Penalties Against FOIA EX6

The subject case, FOIA EXEMPTION 6, was filed June 13, 1994 in the U.S. District Court for the District of Columbia to challenge a March 1, 1993 decision of USDA which would permit EX6 to use an additional portion of USDA Forest Service land in EX6 FOIA EX6 to expand its ski operations. The action, which you filed on your own behalf, sought declaratory and injunctive relief for violations of the National Environmental Policy Act, Executive Order 11990, and the Administrative Procedure Act. After losing motions for temporary restraining order, preliminary injunction and summary judgment in the U.S. District Court for the District of FOIA EX6, you prevailed in substantial part on appeal to the U.S. Court of Appeals for the FOIA EX6. You now ask whether it is appropriate for you to pursue the assessment of \$ FOIA EX6 in Clean Water Act civil penalties against EX6 for its unpermitted discharges of pollutants to surface waters. If you prevail this money would be deposited in the U.S. Treasury.

Advice: You may participate in this activity. As you have been previously advised, 18 U.S.C. §205 bars federal employees from representing others in cases in which the United States is a party but does not extend to pro se actions such as your case. The assessment of fees is part and parcel of the pro se litigation which you have previously been advised is appropriate, with some limitations. You should

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<sup>1</sup>"Profession" is defined as

a calling requiring specialized (sic) knowledge and often long and intensive preparation including instruction in skills and methods as well as in the scientific, historical or scholarly principles underlying such skills and methods. It is characteristic of a profession that those in the profession, through force of organization or concerted opinion, establish and maintain high standards of achievement and conduct, and commit its practitioners to continuous study of the field. Consulting and advising with respect to subject matter that is generally regarded as the province of practitioners of a profession shall be considered a profession.



adhere to the advice that you have previously been given, but the fact that you are now seeking penalties against LMRC in the matter does not change that advice.

## 2. Intervention in Related Case

This new case challenges a USDA decision in August, 1997, to approve the construction of a new snowmaking infiltration gallery in a river near the <sup>FOIA EXEMPTION 6</sup>, and a pipeline from there to the top of the ski area, without preparing an environmental impact statement. This option had earlier been considered and rejected in favor of the snowmaking system approval (reliance on water from a high-altitude pond) that was challenged in your original litigation against USDA.

Advice: You may participate in this activity. You should review existing ethics guidance you have received concerning the limitations of an appropriate pro se litigation. But, for purposes of the ethics rules, this case does not seem materially different from the litigation which was deemed not to be in violation of any ethics requirements.

## 3. Financial Reimbursement/Compensation

You have requested financial reimbursement under several different legal theories for the work that you have undertaken regarding this case. You have filed a motion under the Equal Access to Justice Act (EAJA) against USDA for costs expenses, and expert witness fees for matters related to the case. You also expect to file shortly a motion for the award of attorneys fees based primarily on a theory of United States' misconduct during the litigation. You will allege that the United States' change of position during the litigation on the issue of whether an NPDES permit is needed for the transfer of river water and associated pollutants from the base of the ski area into a high altitude pond was vexatious or based in bad faith. It is your understanding that each change of position on the NPDES permit issue was undertaken with EPA involvement. You intend to seek \$ EXC in compensation for your time. In the alternative, if you are not awarded attorney fees, you have requested \$ EXC for costs and expenses (including expert witness fees) from USDA under the EAJA.

Advice: You may participate in this activity subject to the discussion in paragraph 4, below. The seeking of financial reimbursement is part of the case which, pursuant to restrictions that have already been provided to you, is a permissible undertaking under the ethics rules. Further, the request for expert witness fees is part of recouping your expenses under the litigation and does not mean that you are "representing" the expert witness which would be prohibited under 18 U.S.C. §205.



4. Additional Ethics Restrictions

You are assigned as an attorney in the Pesticides & Toxic Substances Division, which is not concerned with this matter, and you state that the activity does not conflict with your official duties. Based on the current circumstances that you describe, I agree that the activities are consistent with 5 C.F.R. §2635.802, which prohibits an employee from engaging in "outside employment or any other outside activity that conflicts with his official duties." While perhaps not probable, it is conceivable that, at some point, your efforts to recover fees could serve to so limit your range of possible assignments in OGC as to come in conflict with your function as an attorney-advisor, in which case it would be necessary to revisit this advice. Accordingly you should keep me apprised of developments in this aspect of the litigation.

Your memorandum states that you will not use official time for your outside employment, as required by the regulations. See 5 C.F.R. §2635.705(a). You should also be aware that you may not "encourage, direct, coerce, or request a[n EPA] subordinate to use official time" to carry out your outside employment. 5 C.F.R. §2635.705(b). Furthermore, no government property (including "office supplies, telephone and other telecommunications equipment and services, the Government mails, automated data processing capabilities, printing and reproduction facilities, Government records, and Government vehicles") may be used for planning or carrying out this activity. 5 C.F.R. §2635.704.

Assuming that the described outside employment is limited accordingly, it is my determination that this activity is consistent with the applicable ethics regulations and that you may participate in this activity. This memorandum approves ONLY current and prospective pro se litigation activities that you may undertake related to the FOIA Exemption 6 operation activities in or near FOIA EXEMPTION 6.

\* \* \*

Please call me at (202) 260-4555 if you have any questions.

cc: Pat Roberts



January 8, 1998

SUBJECT: Request for Ethics Opinion

FROM: *FOIA EX 6* Attorney  
*3* Pesticides & Toxic Substances Division  
*FOIA EX 6*

THRU: Patricia A. Roberts *P.A. Roberts*  
Acting Associate General Counsel  
Pesticides & Toxic Substances Division

TO: Hale W. Hawbecker  
Designated Ethics Official  
Office of General Counsel

This memorandum is to provide an update on my ongoing litigation in *FOIA EX 6* No. *FOIA EX 6* and a related case, and to seek re-affirmation that this activity and future similar activity related to the same underlying subject matter is consistent with all applicable ethical requirements.

This matter was first addressed in an October 11, 1994, memorandum to me from Gerald H. Yamada, Designated Agency Ethics Official. Mr. Yamada indicated that my "outside activity" in bringing this lawsuit was "consistent with the government ethics statutes and with . . . 5 CFR Part 2635," providing that I adhered to certain requirements specified in the memorandum. Further advice and clarification of Mr. Yamada's memorandum has been provided in a May 1, 1995 memorandum from Bridget C. Shea, Acting Designated Agency Ethics Official, and notes dated June 5, 1995 and June 6, 1995 from Donnell Nantkes.

I. Summary of the Case.

On June 13, 1994, I filed a law suit against the United States Department of Agriculture ("USDA") challenging its *EX 6* decision to authorize a major expansion of the *EX 6* in *FOIA EX 6*. The *FOIA EX 6* *FOIA EXEMPTION 6*, owner and operator of the ski area, intervened as a defendant, and *EX 6* the *EX 6* intervened as a plaintiff. I thereafter amended my complaint to name *EX 6* an additional defendant. The case involved alleged violations of the National Environmental Policy Act, Executive Order 11990 and the Administrative Procedure Act by defendant USDA, and violations of the Clean Water Act by both defendant USDA and defendant *EX 6*. After losing motions for temporary restraining order, preliminary injunction and summary judgment in the United States District Court for the District of *EX 6* *FOIA EX 6* I prevailed in substantial part on appeal to the United States Court of Appeals for the *FOIA EX 6*. *FOIA EX 6*



FOIA EX 6 (FOIA EX 6) ... The case was remanded to district court, where an injunctive order consistent with the First Circuit decision was issued on May 1, 1997. EX 6 filed a petition for writ of certiorari, to which I, EX 4 and the United States each separately objected. The petition was denied on June 27, 1997. FOIA EX 6 No. FOIA EX 6, FOIA EX 6 (1997).

The case is now proceeding on four fronts. First, I am pursuing the assessment of \$ FOIA EX 6 in Clean Water Act civil penalties against EX 6 or its unpermitted discharges of pollutants to surface waters. Any penalty assessed would be deposited in the U.S. Treasury. This matter has been fully briefed; it is unclear at this time whether it will be resolved on motions for summary judgment or if a trial will be required. LMRC has challenged my standing in the case, and I have filed a reply. The United States also filed a brief contesting the principal argument advanced by EX 6 for a dismissal on standing grounds. If I prevail on my motion for penalties, I may seek an award of attorneys fees and expenses for both my efforts and those of local counsel.

Second, I have filed a motion that EX 6 be held in contempt for violating the May 1, 1997 injunctive order by allowing substantial new construction at the FOIA EXEMPTION 6 without preparing a supplemental environmental impact statement. I have also intervened in a separate case filed by EX 6 the EX 6 is that alleges that the USDA approval violates NEPA. If I prevail on these matters I may seek an award of attorneys fees and expenses for both my efforts and those of local counsel.

Third, I am monitoring compliance by EX 4 with the May 1, 1997 injunctive order and may in the near term file a motion that LMRC be held in contempt of that Order.

Fourth, I am currently pursuing two motions related to financial reimbursement/compensation. On December 24, 1997, I filed a motion under the Equal Access to Justice Act seeking the assessment against EX 4 of my costs, expenses and expert witness fees for matters leading up to the May 1, 1997 injunctive order and for subsequent preparation of motions for costs, expenses and fees.<sup>1</sup> I expect to file on Monday, January 12, 1998, a motion for the award of attorneys fees for my work during the same time period.<sup>2</sup> This motion will be based primarily on the United

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<sup>1</sup> In response to my inquiry, Donnell Nantkes informed me prior to my filing this motion that there were no ethical constraints or requirements that would preclude me from seeking an award of costs, expenses and attorneys fees against USDA. I do not recall if we discussed the issue of expert witness fees.

<sup>2</sup> Although I attempted to file an earlier version of this motion on December 24, 1997, the Court returned it to me on the



States' misconduct during the litigation, relying on Chambers v. Nasco, 501 U.S. 32 (1991) and/or 28 U.S.C. § 1927 as authority. I may also request, in the alternative, that the award be based on the Equal Access to Justice Act, 28 U.S.C. § 2412(d). I have provided you this day with a draft brief in support of my motion for attorneys' fees that provides further detail on the legal and factual basis for my anticipated motion. Of particular note is that one of my allegations of misconduct could potentially implicate EPA. I have alleged that the United States' change of position during the litigation on the issue of whether an NPDES permit is needed for the transfer of river water and associated pollutants from the base of the ski area into a high altitude pond was "vexatious" or based in "bad faith." Justice Department attorneys have maintained in my discussions with them that each change of position on the NPDES permit issue was undertaken with EPA involvement.

The services for which I am currently seeking compensation are legal services I provided on my own behalf in pursuing EX6 for the time period and matters described in the preceding paragraph. I intend to seek \$ FOIA EX6 in compensation for my time. In the alternative, if the Court does not award attorneys fees, I have requested in my motion for costs, expenses and expert witness fees that EX4 be ordered to compensate me for approximately 420 hours of time that I took off from EPA to work on the case, and at the salary rate that I received at EPA at the times in question. This amounts to approximately \$ EX6. This time off was in the form of leave without pay, annual leave, and compensatory time. Reimbursement would be on the basis that time away from work is an expense compensable under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), if attorneys fees are not awarded.

Although I interpret existing ethics guidance as fully authorizing the above activities with the stipulation (that I have rigidly followed) that I adhere to the requirements identified in the 1994 Yamada memorandum, I request a reaffirmation that my past and anticipated future activities do not pose any ethical violations if conducted in accordance with guidance provided. I particularly highlight for your consideration: (1) my filing a motion for an assessment of civil penalties against EX6 which, if granted, could result in money payment to the U.S. treasury, (2) my intervening in a new case related to the same general subject matter<sup>3</sup>, and the same

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basis that the memorandum in support of the motion exceeded page limitations.

<sup>3</sup> The new case challenges a EX6 decision in August, 1997, to approve the construction of a new snowmaking infiltration gallery in a river near the FOIA EXEMPTION 6 and a pipeline from there to the top of the ski area, without preparing an environmental impact statement. This option had



defendants, as the original Dubois case, (3) my seeking an award of expert witness fees for one of the scientists who prepared an affidavit in support of my position in the case, and (4) my seeking attorneys fees from the United States for my efforts in the case, on grounds that potentially implicates EPA in vexatious or bad faith behavior.

I also request an affirmation that future pro se litigation that involves the FOIA EX 6 is authorized according to the terms of existing ethics guidance, whether or not such litigation arises in the same cases that are currently pending.

In the event that you determine that a response to this request is best addressed as a response to a request for approval of outside employment in 5 C.F.R. § 6401.103, I provide below the specific information required by that regulation.

II. Information Required under 5 C.F.R. § 6401.103.

(1) Employee's name, title and grade.

My name is FOIA EX 6. My title is attorney-advisor. My grade level is GS-15.

(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected.

.Please see Section I, above.

(3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months.)

Legal services as described in Section I of this memorandum have been, and will be, provided by me and on my own behalf.

(4) The estimated time to be devoted to the activity.

I am currently seeking compensation for 1695 hours of legal services in my underlying litigation against EX 6. (I have elected not to seek compensation for an additional 200-300+ hours spent on the case so as to ensure that the award provided is "reasonable" for the work performed.) I anticipate additional work in preparing reply briefs to both the motion for costs, expenses and witness fees and the motion for attorneys fees. This may require up to 30 hours of additional work. In addition,

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earlier been considered and rejected in favor of the snowmaking system approval (reliance on water from a high-altitude pond) that I challenged in my original litigation against EX 6



there may be a 3-4 hour hearing on the motions, with 4-6 hours of travel time involved.

I have not kept a record of time spent responding to FOIA EX petition for writ of certiorari, for work related to my motion for an assessment of civil penalties against FOIA EX or for work contesting EX ; August, 1997, approval of a new snowmaking system at FOIA EX . I conservatively estimate that these efforts required at least a total of 200 hours of work.

It is difficult to predict future time requirements in addition to those described above. This will depend in large part on whether there are appeals of any of the district court decisions on pending issues, and on future EX actions regarding the FOIA EX. 6 a that may give rise to additional legal challenges.

(5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required).

All work that has been performed in this case to date has been, and all work to be performed in the future will be, performed entirely outside of normal duty hours except to the extent that leave is authorized.

(6) The employee's statement that no official duty time or Government property, resources or facilities not available to the general public will be used in connection with the outside employment.

I, FOIA EX, hereby attest that no official duty time or Government property, resources or facilities not available to the general public will be used in connection with the outside activities described in this memorandum. FOIA EXEMPTION 6

(7) The basis for compensation (e.g., fee, per diem, per annum, etc.)

The basis for the attorneys fees to be requested in my current motion against EX is an hourly fee of \$ EX per hour for reasonable hours spent on the case. The hourly rate is based on prevailing attorney market rates in FOIA EX where the case was litigated. Any future motions for attorneys fees will have a similar basis.

(8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and § 6401.102.

I, FOIA EX do hereby attest that I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and § 6401.102.

FOIA EX. 6



(9) An identification of any EPA assistance agreements or contracts held by a person to or for whom service would be provided.

Services will be provided by me, for me. There are no EPA assistance agreements or contracts that relate to me, unless the terms of my employment at EPA could be construed as constituting same.





Re: Ethics guidance regarding your writing activities 

FOIA EXL to: Jennie Keith

06/22/2011 05:20 PM

Jennie - I've been meaning to say thanks for this e-mail -- I'll be in touch about it.

FOIA EXL an EPA-OGC-ARLO  
(202) 564-EXL; -5603 (fax);

The contents of this e-mail and any attachments to it  
may be attorney-client or deliberative-process privileged.

Jennie Keith

Dear EXL n December 2010 we discussed...

06/09/2011 11:47:21 AM

From: Jennie Keith/DC/USEPA/US  
To: FOIA EXL /DC/USEPA/US@EPA  
Cc: Jennie Keith/DC/USEPA/US@EPA  
Date: 06/09/2011 11:47 AM  
Subject: Ethics guidance regarding your writing activities

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Dear EXL

In December 2010 we discussed a potential writing project you would like to undertake in your outside capacity as a private citizen. You plan to publish a book about how climate change has affected the state of Israel. You would like to receive compensation for this activity. I am writing to confirm that you may engage in this outside activity provided that you follow the parameters below. These parameters ensure that your activities do not conflict with your professional responsibilities as a public servant and that your activities are consistent with the Standards of Ethical Conduct for Employees of the Executive Branch.

Please do not hesitate to contact me regarding any guidance presented below.

Regards, Jennie  
202-564-3412

### **Do you need prior approval to engage in this outside activity?**

At this time, you do not need prior approval for your writing activities. You need prior approval if:

- a) You will receive compensation for this writing; and/or
- b) You will be working with a third party to publish the written product.

Instructions for requesting prior approval are found here:

[http://intranet.epa.gov/ogc/ethics/outside\\_activity.htm](http://intranet.epa.gov/ogc/ethics/outside_activity.htm)

You may send an email request to me with a cc to your supervisor. Your supervisor is involved for informational purposes only; he does not approve or disapprove your request. Generally, a supervisor will offer information only if I request it and for this request I do not see any need for information from your supervisor.

### **May you receive compensation for this writing?**

Why is it important whether your work will be compensated? Because you cannot receive compensation for writing that relates to your official duties. Receipt of compensation implicates a criminal statute, 18 U.S.C. 209, and the regulatory rule at 5 CFR 2635.807.



When does writing relate to official duties? The complete definition is at 5 CFR 2635.807(a)(2)(i), but there are two key prohibitions that capture a significant amount of writing activities. You cannot receive compensation for teaching, speaking, or writing when the subject of the activity deals in significant part with 1) any matter to which you are presently assigned or to which you had been assigned during the previous one-year period and 2) any ongoing or announced policy, program or operation of the agency.

When we initially discussed this, I did not think at the time that you would be prohibited from receiving compensation. However, when you have developed an in-depth outline of your writing activity, let's revisit this determination to confirm that you may receive compensation for your writing activity. The reason being is that after our initial conversation, I looked up whether EPA has any programs geared toward Israel. The most visible program is run out of the EPA's Office of International and Tribal Affairs. This program is found here:

<http://www.epa.gov/oia/regions/Mideast/israel.html>

Based upon the existence of this program, I want to be sure that after you have developed your writing outline, that there are no issues that would prohibit you from accepting compensation.

Furthermore, here's a summary of what "compensation" means. Compensation includes royalties or an advance for writing. It also means any reimbursement for your expenses while writing – paper and copying expenses, computer-related expenses, research-related expenses, hiring a research assistant to help, etc. It really does mean any form of consideration given for your writing activities.

There are some important exceptions, too. When you sign the publishing agreement, a publisher will typically commit to provide you a reasonable number of complimentary copies of the chapter/book. The publisher will usually give you a discount to purchase any of the publisher's other books. Depending on the type of book, the publisher may want to reimburse you for travel expenses related to the writing activity (e.g. the publisher may ask you to discuss your writing at a conference). You may accept all of these items. They are not considered compensation. For more about the definition of compensation, please see 5 CFR 2635.807(a)(2)(iii).

### **Potential Misuse of Position Issues**

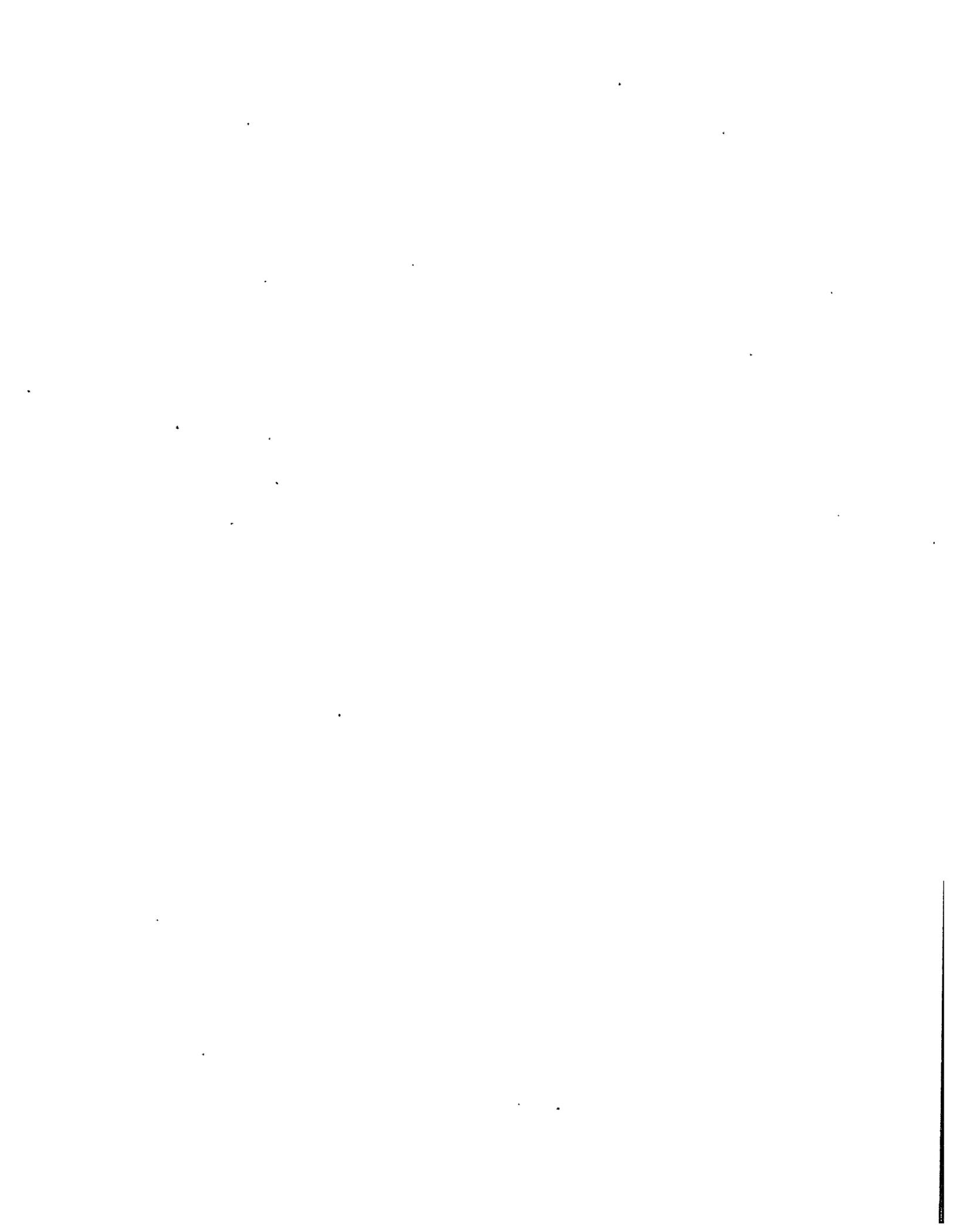
#### **Use of EPA title and position**

One of principles we commit to uphold as public servants is that we will not use our public office for our own private gain or for the gain of others. Therefore, as executive branch employees, we cannot leverage our official government jobs to promote our outside activities, which include inappropriately referencing our official titles. There are a few exceptions to this rule and the following discusses the context in which you may reference your official EPA position. To view the actual regulation about this area, please see 5 CFR 2635.807(b)(2) and 5 CFR 2635.702.

#### **The Author Byline (e.g. Howard Hoffman, U.S. Environmental Protection Agency\*)**

How do you identify yourself in the writing activity? May you use your EPA affiliation? For writing activities such as books, OGE/Ethics recommends that you DO NOT reference your EPA affiliation. However, you may choose to do so, BUT if you do, then you MUST use a reasonably prominent disclaimer.

#### **Required Disclaimer**



“This work is not a product of the United States Government or the United States Environmental Protection Agency, and the author is not doing this work in his governmental capacity. The views expressed are those of the author only and do not necessarily represent those of the United States or the U.S. EPA.”

#### Requirements for disclaimer language

OGC/Ethics suggests that you use this disclaimer as it's clear about the status of your writing. However, if you choose to alter it, the disclaimer must be clear about the following three items: 1) you must be clear that you are not writing in your official capacity, that this is a personal activity; 2) the writing does not belong to the U.S. Government; and 3) that you are expressing your views only and you are not representing the EPA. The disclaimer must include these three items because you cannot confuse your readers. You do not want to give the impression that you are writing in your government capacity or that the government sanctions your work. Readers need to understand that your work does not implicate the government in any way whatsoever. We in the ethics office provide the prudential advice of “avoiding confusion.” The purpose of the disclaimer is to do just that.

#### What does “reasonably prominent” mean?

The disclaimer should be closely connected to your byline and it should be given the same prominence as any text of your chapter (i.e., no fine print). You'll note that I've included an asterisk in your byline title above. The asterisk is not required, but there should be some sort indication to trigger readers to view the disclaimer. For example, if the disclaimer appears immediately after your byline, then an asterisk is not required; however, if the disclaimer appears at the bottom of the page, then there should be some sort of notation, like there is for a footnote, to alert readers about the status in which you are writing.

#### **The Author Biography**

You may reference your EPA affiliation in your biography as long as you include three biographical details. Your description of your official work cannot be given any more prominence than any other biographical details. For example, you could not write a paragraph that focuses solely on your federal career while including one sentence to your education and professional details. Again, under our mantra of “avoiding confusion,” a biography that's weighted on your federal career may give readers the impression you are writing in your official government capacity. Finally, if you include a biography and do not identify your EPA affiliation in your byline, then you do NOT have to include a disclaimer.

#### **Is a disclaimer required?**

Even if your byline does not identify you with your EPA affiliation, is a disclaimer a good idea? My position is that disclaimers never hurt and can be a good idea. If you decide to include a disclaimer when it is not required, I strongly recommend that you use the disclaimer provided above or closely hew to it. Of course, if you do not reference your EPA affiliation at all, then no disclaimer is necessary.

#### **Promotion and Publicity**

After the book is published, may I participate in the publisher's promotion of it? Yes, but be



careful. Remember, you are not in your governmental capacity, so any events you do need to conform to the guidance above about referencing your official title and position. Use verbal disclaimers when necessary.

To the extent the publisher promotes the book, you may need to advise the publisher that it cannot use your EPA affiliation to promote its book. The publisher cannot encourage people to buy the book because the EPA employee wrote it. Just like we personally cannot leverage our positions to promote our outside activities, we cannot permit others to use our government position to promote their products – that’s also a misuse of position. If the publisher plans to showcase the book’s author to highlight the book, you have an obligation to make them aware of your limitations it has with respect to referencing your EPA position. Please follow up with me if you need more specific guidance in this area, especially after the book is published.

Remember that should the Publisher wish to pay your travel expenses in connection with any promotion of the chapter/book, you may accept those expenses. These expenses are specifically excluded from the definition of “compensation” (see discussion above). However, these expenses do constitute a gift to you personally and you may be required to report them on your confidential financial disclosure report that you file every February 15.

How may I personally promote my book? My I tell my EPA colleagues? Of course, in everyday conversation, you may tell people what you’ve been working on. If they ask you how they can buy the book, you may share that information. Here’s what not to do: 1) do not advertise the book using your EPA email address; 2) it’s best to obtain personal email addresses of your EPA colleagues or others you know through your EPA work if you would like to share information about the book/chapter; 3) please, do not go to a conference on official EPA time and, while there, set up a table promoting the book/chapter (yes, this actually happened!). As you can see, what these scenarios are avoiding are any misuse of position issues that may arise through your own personal information sharing/promotion of the book/chapter. Please see the section immediately below for more on this topic. Also, please do not hesitate to contact me to work through any of these types of questions when the book is published.

### **Use of EPA time, resources, and equipment**

Other than the use of our official titles and positions, several other issues can also present misuse of position scenarios. EPA’s *Policy on Limited Personal Use of Government Office Equipment* , EPA Order CIO 2101.0, is the definitive guidance on most of these issues.

#### **Use of official time**

Generally, you cannot use official time for your own personal activities. However, if necessary, you may spend a reasonable amount of time to do tasks that normally cannot be completed outside of business hours. For example, if you need to call the publisher during the workday to confirm receipt of your manuscript, that is okay. What’s not okay is to spend several official duty work hours on this project.

#### **Use of equipment and resources (including your government email address)**

Generally, you cannot use government resources or equipment to support your personal activities. According to the limited use policy, you may use government equipment so long as it does not cost the government anything. For example, on the weekends, you may use the EPA computer to write your drafts, however, you may not use the government printers to print several drafts of your work.



Government equipment also includes use of your government email address. In our discussion above about “avoiding confusion,” I recommend that you use a separate email address to conduct this activity. For example, your publisher may assume that you are writing in your EPA capacity if you use your EPA email address to correspond. Use of the government email address can easily be construed that you are doing this activity in your official capacity, or at minimum, give the imprimatur that the Agency is supporting your activity. Unless it’s clear that you are conducting this in your personal capacity, I always recommend keeping your EPA email account separate from personal outside activities.

### **Use of non-public information**

You can never use non-public information to support your personal outside activities. How do we know whether government documents are non-public? Typically, we go by the standards of the Freedom of Information Act (FOIA). If the document is not releasable under FOIA, then it is considered non-public information. Nothing in the information you presented gives me any concern that your activity includes non-public information.

### **Potential Impartiality / Appearance Issues**

Be aware that if your editor or publisher ever intersect with your official duty work, then you will have appearance issues. When you sign a publishing contract you have a business relationship with the editor/publisher. Because of this, you have a “covered relationship” with them during your contract under the impartiality standards and a one year “cooling-off period” after you complete your activities on this project. For example, if you have no further obligations once you turn in your work – let’s say that you submit the work in July 2011 – then you cannot work in your official capacity on anything that involves the publisher or the editor for one year, or until July 2012. In the unlikely event your work does intersect – most likely through an invitation to officially speak at a conference – consult with me, your Deputy Ethics Official. Do not work on the matter until you have discussed the matter with me.

Furthermore, you should be sensitive about how the final product will intersect with your official duties. For example, if this book will become the go-to book for discussing climate change in the world, you should be aware that there may be ethics issues should you recommend that EPA purchase the book, or if you are asked to review the book for use within the EPA or the Federal community.

### **Publication Agreement**

Finally, here are some tips to consider when you sign a publication agreement.

- Be sure to sign the agreement in your personal capacity without reference to your government position
- For intellectual property purposes, you personally or the publisher will own the copyright on this chapter – NOT the government.
- Can you accept copies of the book? Or discounts provided by the publisher? See the section regarding compensation for these answers.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

July 21, 2006

OFFICE OF  
GENERAL COUNSEL

**MEMORANDUM**

**TO:** *FOIA Exemption*  
Air and Radiation Law Office

**FROM:** *Peggy Love*  
Peggy Love  
Attorney (Ethics)  
Deputy Ethics Official  
Office of General Counsel

**SUBJECT:** Request or Approval of Outside Employment

I am writing in response to your memorandum of July 13, 2006, requesting approval to engage in outside employment activities with the American Bar Association.

I understand that you are the Public Service Vice-chair of the Committee on Innovation, Management Services, and Trading, of the Section of Environment, Energy, and Natural Resources (SEER), of the American Bar Association (ABA). In your role as Vice-Chair, you are involved in developing a project under which SEER, and, hopefully, the ABA as a whole, would encourage law firms to become more energy conscious by participating in one of three EPA partnership programs: Energy Star, Best Workplaces for Commuters, and Green Power.

In addition, in your capacity as Vice-Chair, you are involved in other projects to encourage attorneys who are members of SEER to do public service work for other EPA partnership programs, including, among many others, the community Action for Renewed Environment (CARE).

Based on the information provide in your memo (copy attached), your request is approved in accordance with 5 C.F.R. § 6401.103.

If you have any questions, please call me at (202) 564-1784.

Attachment

cc: Richard Ossias



MEMORANDUM

SUBJECT: Request for approval of outside employment  
FROM: FOIA Ex 6   
TO: Peggy Love  
CC: Richard Ossias  
DATE: July 13, 2006

I request approve for the following outside employment, under 40 CFR 6401.103: (The following paragraph numbers correspond to the paragraph numbers in section 103(b).)

- (1) I am an attorney-advisor, GS 15.
- (2) I am the Public Service Vice-chair of the Committee on Innovation, Management Services, and Trading, of the Section of Environment, Energy, and Natural Resources (SEER), of the American Bar Association (ABA). In my role as Vice-Chair, I am involved in developing a project under which SEER (and, hopefully, the ABA as a whole) would encourage law firms to become more energy conscious by participating in one of three EPA partnership programs: Energy Star, Best Workplaces for Commuters, and Green Power.

In addition, in my capacity as Vice-Chair, I am involved in other projects to encourage attorneys who are members of SEER to do public service work for other EPA partnership programs, including, among many others, the Community Action for Renewed Environment (CARE).

I will not be compensated for these activities.

- (3) The organization for which the work will be done is SEER.
- (4) I will devote approximately 5 hours per week for these activities.
- (5) The bulk of this service will be performed outside of normal duty hours, but I expect that periodically, I will seek approval for several hours of annual leave per pay period to devote to these activities in order to communicate with EPA staff and others during regular business hours.
- (6) These activities may involve use of my computer, e-mails, and phone in accordance with EPA's de minimis policy.
- (7) As noted above, I will not be compensated for these activities.



- (8) I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and section 6401.102
- (9) There are no EPA assistance agreements or contracts held by a person to or for whom my services would be provided.



Peggy Love/DC/USEPA/US  
10/26/2007 04:01 PM

To FOIA EX6 1/DC/USEPA/US  
cc Richard Ossias/DC/USEPA/US  
bcc

Subject Request for approval of outside employment dated 10/23/07

FOIA EX6

I received your request for approval of outside employment dated 10/23/07 to research and write one or more articles for publication on the effect that climate change will have on Israel, primarily focusing on the scientific, cultural, religious, and historical aspects of the problem. You may do this work in conjunction with one or more other individuals. The work will be on your own behalf and performed entirely outside of normal duty hours. This activity will not involve more than de minimis use of your office computer, e-mail or phone. You will not be compensated for this activity and will abide by the restrictions in 5 CFR part 2635 and section 6401.102.

I approve your request and will place a copy of this e-mail in your ethics file that I have in my office.

Peggy Love  
Attorney (Ethics)  
Deputy Ethics Official (DEO)  
Office of General Counsel  
7439 AR-N  
(202) 564-1784

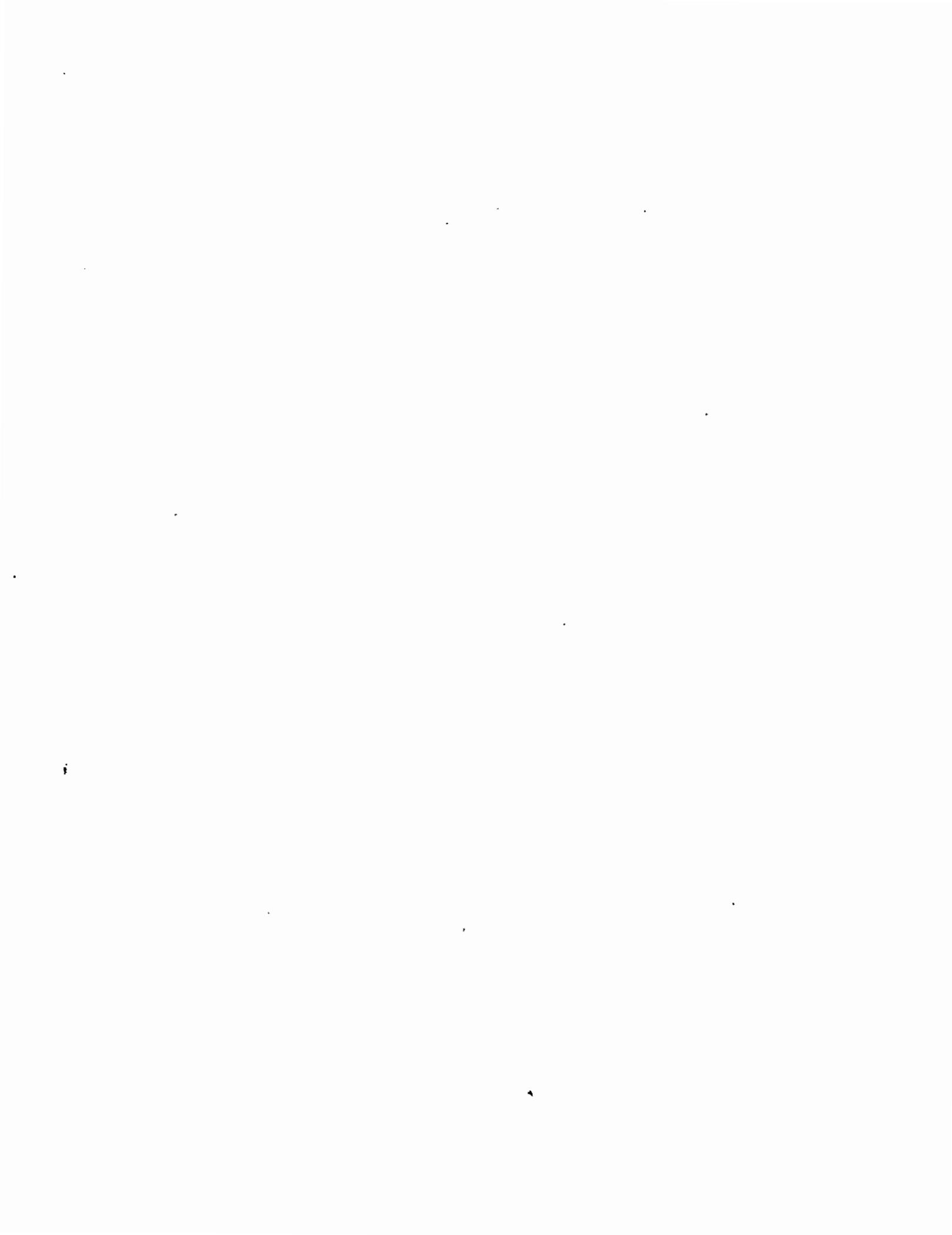


**MEMORANDUM**

SUBJECT: Request for approval of outside employment  
FROM: FOIA EXC 1 . FOIA EXC  
TO: Peggy Love  
CC: Richard Ossias  
DATE: October 23, 2007

I request approval for the following outside employment, under 40 CFR 6401.103: (The following paragraph numbers correspond to the paragraph numbers in section 103(b).)

- (1) I am an attorney-advisor, GS 15.
- (2) I wish to research and write one or more articles for publication on the effect that climate change will have on Israel, primarily focusing on the scientific, cultural, religious, and historical aspects of the problem. I may do this work in conjunction with one or more other individuals. I will not be compensated.
- (3) I will do this work on my own behalf.
- (4) I will devote approximately 25 hours for this activity.
- (5) This activity will be performed entirely outside of normal duty hours.
- (6) This activity will not involve more than de minimis use of my office computer, e-mail, or phone.
- (7) I will not be compensated for this activity
- (8) I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and section 6401.102.
- (9) There are no EPA assistance agreements or contracts held by a person to or for whom my services would be provided.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

October 18, 2006

MEMORANDUM

OFFICE OF  
GENERAL COUNSEL

TO: FOIA Ex 4  
Attorney Advisor  
Air and Radiation Law Office

FROM: Peggy Love  
Peggy Love  
Attorney (Ethics)  
Deputy Ethics Official  
Office of General Counsel

SUBJECT: Request for Approval of Outside Employment to Serve as Vice-chair of the Committee on Air Quality of the Section of Environment, Energy, and Natural Resources (SEER), of the American Bar Association (ABA)

I have considered your request for authorization to engage in the activities described in your memorandum of October 3, 2006, relating to serving as one of the Programs Vice-chair of the Committee on Air Quality of the Section of Environment, Energy, and Natural Resources (SEER), of the American Bar Association (ABA). In your role as Vice-Chair, you would be involved in helping to develop programs for the Air Quality Committee.

I understand that the work will be done for SEER, and you will devote approximately 2 hours per month for these activities. You will complete the bulk of this service outside of normal duty hours. You expect that a few times during the next twelve months you will seek approval for a half-hour or an hour of annual leave to participate in a conference call with the Air Quality Committee leadership during regular business hours.

These activities may involve use of your office computer, e-mail, and phone in accordance with EPA's de minimis policy. You will not initiate e-mails from your Lotus Notes account. A copy of the EPA Policy on Limited Use of Government Office Equipment, EPA Order 2100.3, dated 12/19/02, can be found on the OGC ethics website at <http://intranet.epa.gov/ogc/ethics/resource.htm#misuse>.

I approve your request for engaging in this outside activity in accordance with 5 C.F.R. 6401.103 and 5 C.F. R. 2635.

If you have any questions, please call me at (202) 564-1784.

cc: Richard Ossias



MEMORANDUM

SUBJECT: Request for approval of outside employment  
FROM: FOIA EX6      FOIA EX6  
TO: Peggy Love  
CC: Richard Ossias  
DATE: October 3, 2006

I request approval for the following outside employment, under 40 CFR 6401.103: (The following paragraph numbers correspond to the paragraph numbers in section 103(b).)

- (1) I am an attorney-advisor, GS 15.
- (2) I have been asked to serve as one of the Programs Vice-chair of the Committee on Air Quality, of the Section of Environment, Energy, and Natural Resources (SEER), of the American Bar Association (ABA). In my role as Vice-Chair, I would be involved in helping to develop programs for Air Quality Committee.  
  
I will not be compensated for these activities.
- (3) The organization for which the work will be done is SEER.
- (4) I will devote approximately 2 hours per month for these activities.
- (5) The bulk of this service will be performed outside of normal duty hours. I expect that a few times during the next twelve months, I will seek approval for a half-hour or an hour of annual leave to participate in a conference call with the Air Quality committee leadership during regular business hours.
- (6) These activities may involve use of my computer, e-mails, and phone in accordance with EPA's de minimis policy. However, I will not initiate e-mails from my Lotus Notes account.
- (7) As noted above, I will not be compensated for these activities.
- (8) I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and section 6401.102
- (9) There are no EPA assistance agreements or contracts held by a person to or for whom my services would be provided.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

October 18, 2006

OFFICE OF  
GENERAL COUNSEL

MEMORANDUM

TO: *FOIA EXL*  
Attorney Advisor  
Air and Radiation Law Office

FROM: *Peggy Love*  
Peggy Love  
Attorney (Ethics)  
Deputy Ethics Official  
Office of General Counsel

SUBJECT: Request for Approval of Outside Employment to Teach a Class

In follow up to our conversation, I have considered your request for authorization to engage in the activities described in your memorandum of October 3, 2006, relating to teaching a class (a single, one and one-half hour period) for the air pollution class taught by Professor *FOIA EXL* at *FOIA EXL* University Law School's LLM program in environmental law.

I approve your request for engaging in this outside activity in accordance with 5 C.F.R. 6401.103 and 5 C.F. R. 2635. Keep in mind that reference to your official title or position with EPA may be included as one of several biographical details when given to identify you, provided that it is given no more prominence than other significant biographical details. See 5 C.F.R. 2635.808(b)(1).

If you have any questions, please call me at (202) 564-1784.

cc: Rich Ossias



MEMORANDUM

SUBJECT: Request for approval of outside employment

FROM:

FOIA EXC 6 n FOIA EXC 6

TO: Peggy Love

CC: Richard Ossias

DATE: October 3, 2006

I request approval for the following outside employment, under 40 CFR 6401.103: (The following paragraph numbers correspond to the paragraph numbers in section 103(b).)

(1) I am an attorney-advisor, GS 15.

(2) I have been asked to teach a class (a single, one and one-half hour period) for the air pollution class taught by Prof. EXC 6 at (FOIA EXC 6) University Law School's LLM program in environmental law. The class will focus on interstate air pollution rulemakings, including the Nox SIP Call, the Clean Air Interstate Rule, and the Clean Air Mercury Rule. I taught this same class last year. I have been asked to teach this class some time towards the end of October.

I will not be compensated for this activity.

(3) The organization for which the work will be done is the FOIA EXC 6 University Law School.

(4) I will devote approximately 10 hours for this activity.

(5) Two hours of this service will be performed during normal duty hours, and I will request annual leave for it.

(6) This activity will not involve use of my office computer, e-mail, or phone.

(7) As noted above, I will not be compensated for these activities.

(8) I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and section 6401.102

(9) There are no EPA assistance agreements or contracts held by a person to or for whom my services would be provided.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

July 21, 2006

OFFICE OF  
GENERAL COUNSEL

**MEMORANDUM**

**TO:** FOIA Ex 4  
Air and Radiation Law Office

**FROM:** *Peggy Love*  
Peggy Love  
Attorney (Ethics)  
Deputy Ethics Official  
Office of General Counsel

**SUBJECT:** Request or Approval of Outside Employment

I am writing in response to your memorandum of July 13, 2006, requesting approval to engage in outside employment activities with the American Bar Association.

I understand that you are the Public Service Vice-chair of the Committee on Innovation, Management Services, and Trading, of the Section of Environment, Energy, and Natural Resources (SEER), of the American Bar Association (ABA). In your role as Vice-Chair, you are involved in developing a project under which SEER, and, hopefully, the ABA as a whole, would encourage law firms to become more energy conscious by participating in one of three EPA partnership programs: Energy Star, Best Workplaces for Commuters, and Green Power.

In addition, in your capacity as Vice-Chair, you are involved in other projects to encourage attorneys who are members of SEER to do public service work for other EPA partnership programs, including, among many others, the community Action for Renewed Environment (CARE).

Based on the information provide in your memo (copy attached), your request is approved in accordance with 5 C.F.R. § 6401.103.

If you have any questions, please call me at (202) 564-1784.

Attachment

cc: Richard Ossias

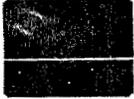






- (8) I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and section 6401.102
- (9) There are no EPA assistance agreements or contracts held by a person to or for whom my services would be provided.





Re: Fw: Adjunct position  
 Justina Fugh to: T FOIA EXC...

09/20/2010 02:13 PM

Hi EXC

Thanks for coming by to talk about the ethical implications associated with outside activity. We discussed the impact of 18 USC 203, which is a representational conflict of interest. When you are paid by an outside entity, you (as a federal employee) are prohibited from representing that entity's interests back to the United States in any particular matter in which the US is a party or has a direct and substantial interest. We discussed the fact that you cannot serve as agent or attorney for the University in setting up any federal mentor program. You could, though, write a letter of reference for one of your students, but I suggested that you do so using personal (not EPA) letterhead or University letterhead. Only if the student is applying for a federal position or if you know him/her through your federal work may you be permitted to sign the reference with your EPA position and/or title. See <http://intranet.epa.gov/ogc/ethics/07-02.pdf> and [http://intranet.epa.gov/ogc/ethics/applicants\\_tips.htm](http://intranet.epa.gov/ogc/ethics/applicants_tips.htm).

With those important reminders in place, I approve your request to engage in this outside activity as an adjunct lecturer. You may also receive compensation for this work. I will put a copy of this approval in your financial disclosure file.

Best regards,  
 Justina

Justina Fugh \* Senior Counsel for Ethics \* Office of General Counsel \* US EPA (Mail Code 2311A) \* Room 4308 Ariel Rios North \* Washington, DC 20460 \* phone 202-564-1786 / cell 202-731-3631 / fax 202-564-1772

FOIA EXC

Hi Steve, I've been offered a position as an Adju...

09/08/2010 04:13:14 PM

From: FOIA EXC O/USEPA/US  
 To: Steve Pressman/DC/USEPA/US@EPA  
 Cc: Katherin Hall/DC/USEPA/US@EPA  
 Date: 09/08/2010 04:13 PM  
 Subject: Adjunct position

Hi Steve,

I've been offered a position as an Adjunct Lecturer for the University of FOIA EXC Law Program. Below is the information that Justina Fugh said I needed to provide in order to obtain approval.

- FOIA EXC Attorney-Advisor, GS-15;
- I will be co-teaching a 3-credit once-a-week evening seminar, Law and Lawyering in the Nation's Capital. The class complements the students' full-semester externship at various government agencies, public interest advocacy organizations, Congressional offices, and the White House. Class sessions will generally include guest speakers and class discussion based on students' questions. In addition to leading class discussions, I will be responsible for grading the student's final paper, reading their externship journals and providing individual mentorship and counseling. Two of the students have externships with EPA HQ (not in Civil Rights) but the Director will be fielding their externship questions/concerns/issues and grading their papers. I will be paid \$ EXC or the semester.
- I will be working for FOIA EXC, the Director of the EXC Law Program.
- I expect to spend 5-6 hours a week on my outside employment.
- The services I provide will be outside of normal duty hours.
- I will not use any official duty time or Government property, resources, or facilities not available to



the general public in connection with the outside employment;

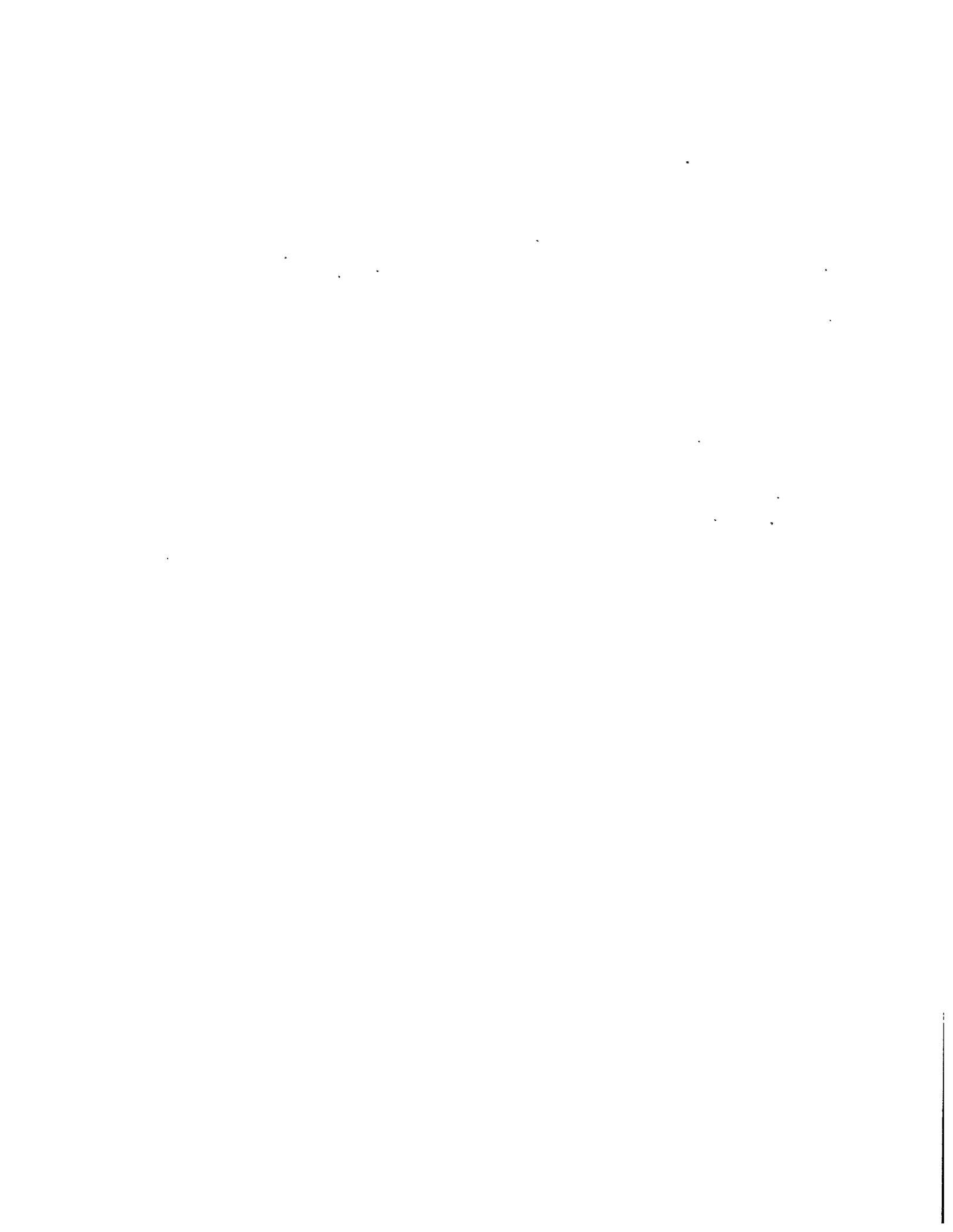
- My compensation is based on a part-time annual salary.
- I have read and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on "Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations).
- I have looked at the Grants Information and Control System (GICS) and there have been numerous EPA grants to the University of ~~EX 6~~ system. Most of the projects have ended. Currently pending are : 1) grant no. ~~EX 6~~ the University of ~~FOIA EX 6~~ - ~~EX 6~~ which ends Oct. 20, 2011; and 2) grant no. ~~FOIA EX 6~~ the University of ~~FOIA EX 6~~ which ends September 30, 2010.

I'm happy to provide any additional information, if needed.

Thanks,

~~EX 6~~

~~FOIA EX 6~~  
Office of General Counsel  
Civil Rights and Finance Law Office  
U.S. EPA  
202. ~~FOIA EX 6~~  
202.56 ~~FOIA EX 6~~





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

February 12, 2003

OFFICE OF  
GENERAL COUNSEL

MEMORANDUM

**TO:** FOIA EX 6  
Senior Attorney-Advisor  
Office of General Counsel  
Finance and Operations Law Office  
Cincinnati Practice Group

**FROM:** Peggy Love  
Peggy Love  
Attorney (Ethics)  
Deputy Ethics Official  
Office of General Counsel

I have considered your request for authorization to engage in the activities described in your memorandum of January 23, 2003. I have also reviewed the undated memoranda to you from Hale Hawbecker that you faxed to me on February 11<sup>th</sup> responding to your original request dated May 6, 1997, to engage in these activities. The attached advice provided in Hale's responses to you, is still valid.

I have no objection to your continuing to conduct a limited legal practice in a self-employed capacity as described in your memorandum of January 23, 2003. Nor do I see any ethical problem with your continuing to sit on the Board of Directors of your uncle's insurance company (independently owned, casualty insurance). Since it has been over five years since you taught a survey business law class which was offered through the University of EX 6 College of FOIA EXEMPTION 6 Services Program, and you are not currently scheduled to teach an upcoming course, I would ask that you submit a new request for outside employment when you are offered a position to teach.

If you have any questions, please call me at (202) 564-1784.

Attachment

cc: Susan Lee  
Acting Deputy Associate General Counsel  
Office of General Counsel  
Finance and Operations Law Office



January 23, 2003

MEMORANDUM

SUBJECT: Request for Renewal/Approval of Outside Employment

FROM: FOIA EXL  
Senior Attorney-Advisor  
Office of General Counsel  
Finance and Operations Law Office  
Cincinnati Practice Group

THRU: Susanne Lee  
Acting Deputy Associate General Counsel  
Office of General Counsel  
Finance and Operations Law Office

TO: Peggy Love  
Deputy Ethics Official  
Office of General Counsel  
Ethics Advisory

Peggy, I was previously granted approval for outside employment for the purposes of engaging in a limited, side legal practice. That approval was submitted to and approved by Hale Hawbecker sometime in 1997. Although I have torn my office up looking for both the request I submitted and the approval letter from Hale, I have been unsuccessful in locating either (among the other millions of pieces of paper), although I did find what appears to be the WP version of the request I drafted. Since I cannot recall at this point if/when the approval expires, I felt it was prudent to simply submit another request/request a renewal of the approval rather than rely on my memory or assumptions.

Therefore, in accordance with the guidelines for requesting approval of outside employment, please accept the following information:

1. FOIA EXL, Sr. Attorney-Advisor, GS 15
2. Activities:

a. Conduct a very limited legal practice in a self-employed capacity. Practice activities in the past have been conducted primarily for relatives and friends. Therefore, it is also my intention to continue to restrict practice activities in the future to family members/relatives and friends. The focus would continue to be on a limited, general civil/business law practice



involving things such as wills, trusts, business formation/operations (such as matters pertaining to incorporation/limited liability companies/ partnerships/sole proprietorships), real estate issues (such as matters pertaining to tenant-landlord/deeds/real estate investments), personal injury matters, and potentially non-contested divorces and dissolutionments, minor traffic violations, sealing of records/expungements, and/or guardian ad litem activities. Practice activities would/could also include: 1) appearing periodically/on an as needed basis as an attorney-arbitrator (one of a three-member panel) for the FOIA EXC Common Pleas Court on cases related to personal injury, breach of contract, real estate issues, etc; 2) conducting research and/or performing legal writing for other attorneys; and 3) potentially appearing in court on behalf of a client or on behalf of another attorney in cases of scheduling conflicts for purposes of motion docket, requesting a continuance, etc. However, based on my prior experience, I anticipate very few, if any, court appearances. Furthermore, arbitration activities, along with any court appearances, would only be scheduled for my compressed days off and/or on days for which annual leave has been scheduled in advance.

b. Under the previous (draft) request for approval, I indicated that I had been asked to consider sitting on the Board of Directors of my uncle's insurance company (independently owned, casualty insurance). After receiving that approval, I was subsequently named to the Board for the purposes of wrapping up the business operations of that S-corporation, as my uncle decided to retire. I still appear as an officer of the corporation, although the actual insurance business has long since been sold, because the sale was structured to allow the corporation to receive annual installment payments over a period of years and ultimately the corporation will be wrapped up or the purpose changed (to reflect property management activities of family-owned real estate). ok

c. Under the previous (draft) request for approval, I had also indicated that I anticipated being approached to teach a survey business law class which is offered through the University of (FOIA EXC College of E. ... FOIA EXEMPTION to services Program. The course is actually sponsored by the EXC School and the International Foundation of Employee Benefit Plans. It is part of an overall certification program for the Certified Employee Benefits Specialist (CEBS) program, which CEBS arranges to make available through various colleges and universities. I had taught the course twice prior to coming to work for the EPA, and at the time that I prepared the previous request, I had reason to believe I would be asked to teach again the next time the course was offered. The last time I taught the course (which, to the best of my recollection, was the Fall Semester of the 1976-77 academic year) I was paid \$ EXC (\$ EXC per class/ten week course). When I taught the course previously, my classes were held on Saturday mornings, and I did my class preparation at night and on the weekends. Although the course was not reoffered as expected during subsequent academic years (the course rolls, and it is usually only offered every other year or two at its most frequent intervals) because of low enrollment in the CEBS program being offered through the University of FOIA EXC I would like to continue to keep it in my request for approval for outside employment, as I am still on the roster of qualified instructors. partially ok for m based on asked to teach

3. As to my legal practice, I would continue to restrict any court appearances or arbitration activities to my compressed day off and/or annual leave. Any time spent meeting with



clients, other attorneys, or conducting research and/or writing would be performed in the evenings, on my compressed day off, while on annual leave, and on weekends. I am unable to anticipate the number of clients within the next six months, but would speculate that, if my prior activities are any indication, it would be only an occasional individual (such as a family friend) and primarily family members/relatives. While there is also the possibility of performing some limited research, writing, and/or consultation activities for/with several legal colleagues who also have general civil law practices (either full-time or side practices), if my prior activities are any indication, it is highly unlikely I will do so. Insofar as arbitrations, I would estimate an average of one per month. In the past, while I may have been scheduled for two arbitrations per month (on my compressed Fridays), approximately 50% are cancelled/settled/or rescheduled shortly before the scheduled hearing dates. Therefore, I would estimate a maximum of 2-4 clients within a 6 month period, with 3 out of the estimated 4 being family members/relatives, and 6 arbitrations. As to time devoted, while that would arguably vary and be dependent upon the issues presented, I would estimate from 0 to a maximum of 20 hours per month, including arbitrations (which typically require 2-3 hours total per arbitration). As to compensation, I would speculate that in total, all outside activities would be less than several thousand dollars per year. Arbitration fees are paid on a per arbitration basis (approximately \$~~6~~-\$~~6~~<sup>5</sup> per case). Legal research and/or writing would be on a per hour basis. Other matters would be either on a per hour or per activity basis, with the bulk of the work being pro bono.

4. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment.

5. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and Section 6401.102.

6. I am unaware of any EPA assistance agreements or contracts held by anyone to whom or for whom my services would be provided. I would avoid any matter which could potentially involve or be associated with an EPA assistance agreement or contract.

Please advise if you should require additional information.



MEMORANDUM

SUBJECT: Outside Employment

FROM: Hale W. Hawbecker, Attorney  
Deputy Ethics Official for the Office of  
General Counsel/Office of the Administrator  
(2379)

TO: FOIA EXEMPTIONS  
Attorney Advisor

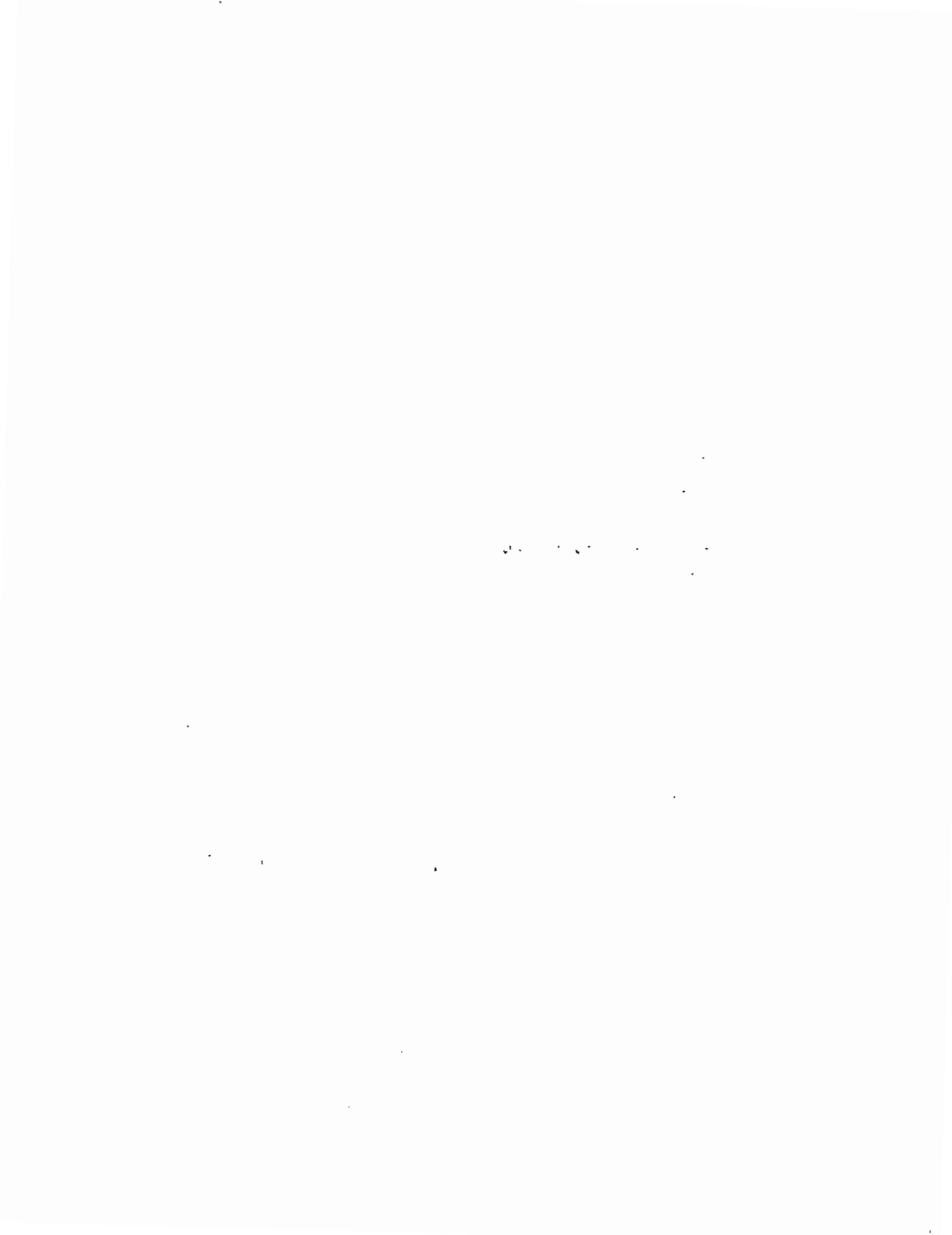
This memorandum is in partial response to your May 6, 1997 inquiry regarding potential outside employment. I am providing you with partial advice so that you may participate in the subject activity this Friday and on subsequent compressed days, as you requested.

In your memorandum you state that you will be providing services as an attorney-arbitrator for the Hamilton County Common Pleas Court on cases related to personal injury, breach of contract, real estate issues, etc. You state that will receive fees on a per-arbitration basis-- approximately \$45-60 per case.

Assuming the following considerations, there is no ethical objection to your participating in this outside employment.

Since the activity does not relate to your official duties, it is consistent with 5 C.F.R. §2635.802, which prohibits an employee from engaging in "outside employment or any other outside activity that conflicts with his official duties."

However, even though its application is unlikely given the circumstances of your outside activity, you should be aware that 18 U.S.C. §208(a) might require your disqualification from participating in any particular EPA matter which involves Hamilton County including rulemaking, policy or legislative matters or matters which involve Hamilton County as a specific party (e.g., a grant, contract, license, agreement, or litigation).



Further, a federal employee is prohibited by 5 C.F.R. §2635.501 from

participat[ing] in a particular matter involving specific parties which he knows is likely to affect the financial interests of a member of his household, or in which he knows a person with whom he has a covered relationship is or represents a party, if he determines that a reasonable person with knowledge of the relevant facts would question his impartiality in the matter. [5 C.F.R. §2635.501(a)] (emphasis added).

While it is unlikely to present a problem, you should be aware that you will have a covered relationship with Hamilton County as its employee. Therefore, you should not participate in particular matters at EPA involving ~~FOIA 616~~ County as a specific party without first consulting with us. See 5 C.F.R. §2635.402.

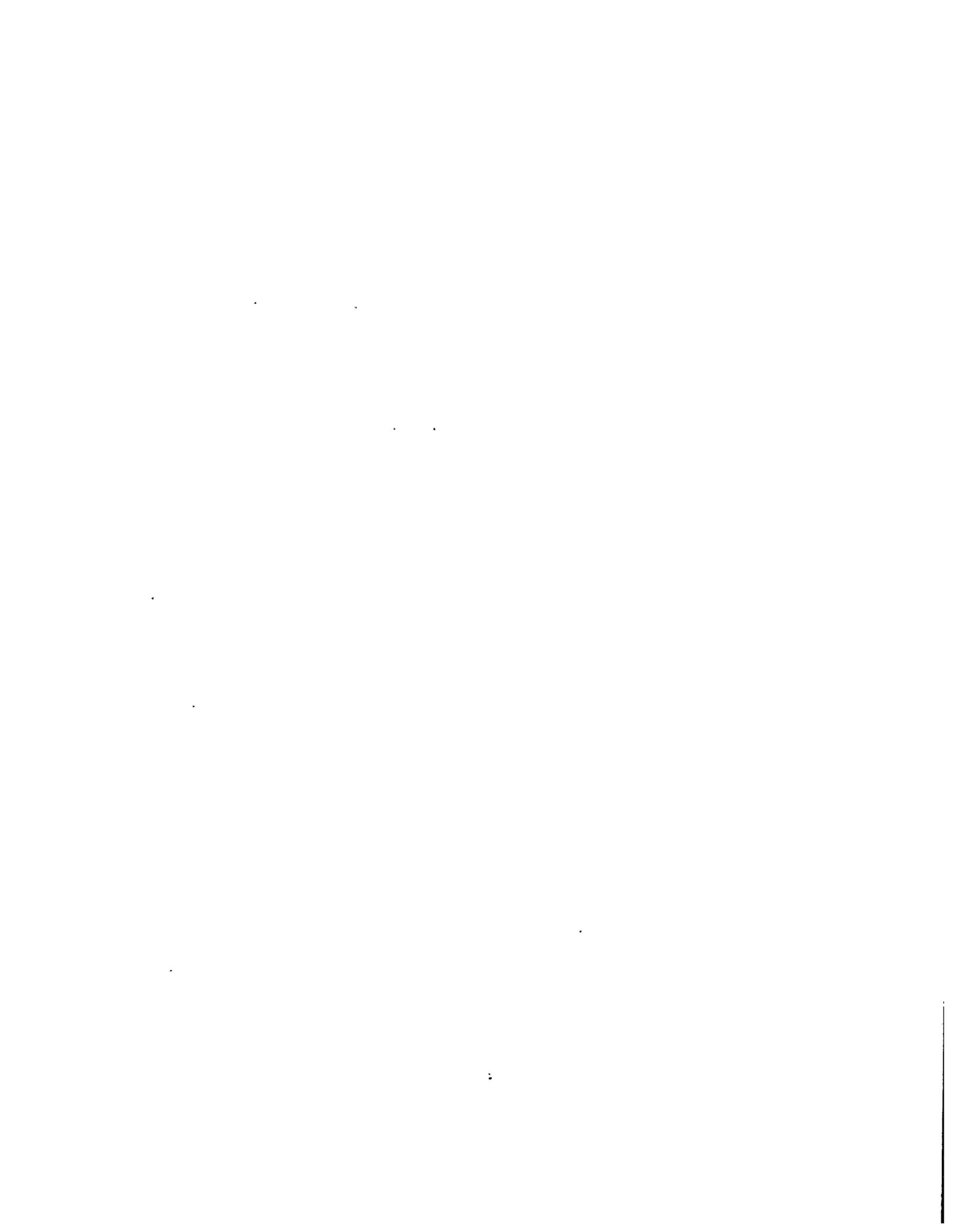
Again, while it is not likely to arise, under 18 U.S.C. §205 you are prohibited, whether or not for compensation, from acting as agent or attorney for Hamilton County or any other person in a claim against the United States or from acting as agent or attorney, before any department, agency, or other specified entity, in any particular matter in which the United States is a party or has a direct and substantial interest. This section also prohibits receipt of any gratuity, or any share of or interest in a claim against the United States, in consideration for assisting in the prosecution of such claim.

You also may not use official time for your outside employment, as required by the regulations. See 5 C.F.R. §2635.705(a). You should also be aware that you may not "encourage, direct, coerce, or request a[n EPA] subordinate to use official time" to carry out your outside employment. 5 C.F.R. §2635.705(b). Furthermore, no government property (including "office supplies, telephone and other telecommunications equipment and services, the Government mails, automated data processing capabilities, printing and reproduction facilities, Government records, and Government vehicles") may be used for planning or carrying out this activity. 5 C.F.R. §2635.704. However, as we discussed, it is appropriate for you to give Hamilton County your work phone number for scheduling purposes only.

Assuming that the described outside employment is limited accordingly, it is my determination that this activity is consistent with the applicable ethics regulations and that you may participate in this activity.

Please call me at ~~FOIA 616~~ if you have any questions.

cc: Howard Corcoran



**From:** FOIA ex6  
**To:** RTPMAINHUB:DCWIC01:DCOGC.DCAGCCCU:DCOGC.DCRGCCCU(C...  
**Date:** 5/14/97 1:24pm  
**Subject:** outside employment -Reply

Thank you for getting back with me as to this particular aspect.  
I will await the other information.

>>> HALE HAWBECKER 05/14/97 12:12pm >>>  
FOIA ex6

This should do the trick for the arbitrator services. I will  
try to get to the rest of it in a week or so.



MEMORANDUM

SUBJECT: Outside Employment

FROM: Hale W. Hawbecker, Attorney  
Deputy Ethics Official for the Office of  
General Counsel/Office of the Administrator  
(2379)

TO: 1 FOIA ex. C  
Attorney Advisor

This memorandum is an addendum to previous advice that I provided to you regarding potential outside employment. As you know, I recently granted you approval to provide services as an attorney-arbitrator for the County Common Pleas Court on cases related to personal injury, breach of contract, real estate issues, etc. You also wish to participate in the following other outside activities:

- 1) Conducting other legal services in a self-employed capacity;
- 2) Sitting on the Board of Directors for your uncles' insurance company; and,
- 3) teaching a survey business law class offered through the University of FOIA EXC 1 College of FOIA EXEMPTION 6  
FOIA EXC 4

There is no ethical objection to your participation in these outside activities. However, you should keep in mind the advice that I gave you previously regarding the arbitration services since it applies with equal force to your other proposed activities. Also, as regards the survey business law class, be aware of the limitations on the proper use of your EPA title and position. You may not use your EPA title or position to identify yourself except as "one of several biographical details when such information is given to identify [you] \* \* \* provided that [your] title or position is given no more prominence than other significant biographical details." 5 C.F.R. §2635.807(b)(1).



Further, there are limitations on receiving compensation for teaching, speaking, and writing that relates to our official duties. While it does not appear that the survey business law class relates to your official duties, you should be sure that your course does not deal in significant part with ongoing EPA policies, programs or operations. It is permissible for you to teach about "a subject within [your] discipline or inherent area of expertise based on [your] educational background or experience even though the teaching \* \* \* deals generally with a subject with [EPAs] areas of responsibilities 5 C.F.R. §2635.807(a)(2).

Assuming that the described outside employment is limited accordingly, it is my determination that these activities are consistent with the applicable ethics regulations and that you may participate in these activities.

Please call me at (202) 260-4555 if you have any questions.

cc: Howard Corcoran



Hand copy mailed 5/10/97



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
CINCINNATI, OHIO 45268

6 May 1997

MEMORANDUM

**SUBJECT:** Request for Approval of Outside Employment

**FROM:** FOIA EXC 5 EXG,  
Attorney-Advisor  
Office of General Counsel  
Cincinnati Practice Group

**TO:** Hale W. Hawbecker  
Deputy Ethics Official  
Office of General Counsel  
Ethics Advisory

per Hale 7/6/97

OK included UC - if  
reason. Suber will do  
etc have + not do -  
told will E-mail & OK  
cc Howard = OK

In accordance with the guidelines for requesting approval of outside employment, please accept the following information:

1. FOIA EXC 5, Attorney-Advisor, GS 12
2. Activities:

a. Conduct a very limited legal practice in a self-employed capacity. Practice activities would be conducted primarily for relatives and friends. Focus would be on a limited, general civil/business law practice involving things such as wills, trusts, business formation/operations (such as matters pertaining to incorporation/limited liability companies/partnerships/sole proprietorships), real estate issues (such as matters pertaining to tenant-landlord/deeds/real estate investments), personal injury matters, and potentially non-contested divorces and dissolutionments, minor traffic violations, and/or guardian ad litem activities. Practice activities could include: 1) appearing periodically/on an as needed basis as an attorney-arbitrator (one of a three-member panel) for the <sup>FOIA EXC 5</sup> County Common Pleas Court on cases related to personal injury, breach of contract, real estate issues, etc; 2) conducting research and/or perform legal writing for other attorneys; and 3) potentially appearing in court on behalf of a client or on behalf of another attorney in cases of scheduling conflicts for purposes of motion docket, requesting a continuance, etc. However, I anticipate very few if any court appearances.

b. I have also been asked to consider sitting on the Board of Directors of my uncle's insurance company (independently owned, casualty insurance). That Board would probably only meet once or twice a year, in the evening. I have no idea what the compensation would be, but I expect it would be de minimus.



c. I also anticipate being approached to teach a survey business law class which is offered through the University of EX6 College of EX6, and FOIA EX6 Services Program. The course is actually sponsored by the EX6 School and the International Foundation of Employee Benefit Plans. It is part of an overall certification program for the Certified Employee Benefits Specialist (CEBS) program. I believe CEBS arranges through various colleges and universities to make the course available. I have taught this course twice previously. Based on my discussion with the Corporate Services program coordinator at the end of the last course that I taught (Fall Quarter 1996-97), I will be asked to teach again the next time the course is offered (which we expect will be during the 1997-98 school year). I was paid \$ EX6 last year for teaching (\$ EX6 per class/ten week course). The last two times I taught, classes were held on Saturday mornings. I did my class preparation at night and on the weekends.

3. As to a legal practice, I anticipate restricting any court appearances or arbitration activities to my compressed day off and/or annual leave. I anticipate any time spent meeting with clients, other attorneys, or conducting research and/or writing will be performed in the evenings, on my compressed day off, while on annual leave, and on weekends. I am unable to anticipate the number of clients within the next six months, but would speculate that it would be only an occasional individual and primarily family members/relatives. I also envision performing some limited research, writing, and/or consultation activities for/with several legal colleagues who also have general civil law practices (either full-time or side practices). As to compensation, I would speculate that it would be less than several thousand dollars per year. Arbitration fees are paid on a per arbitration basis (approximately \$ EX6 per case). Legal research and/or writing would be on a per hour basis. Other matters would be either on a per hour or per activity basis.

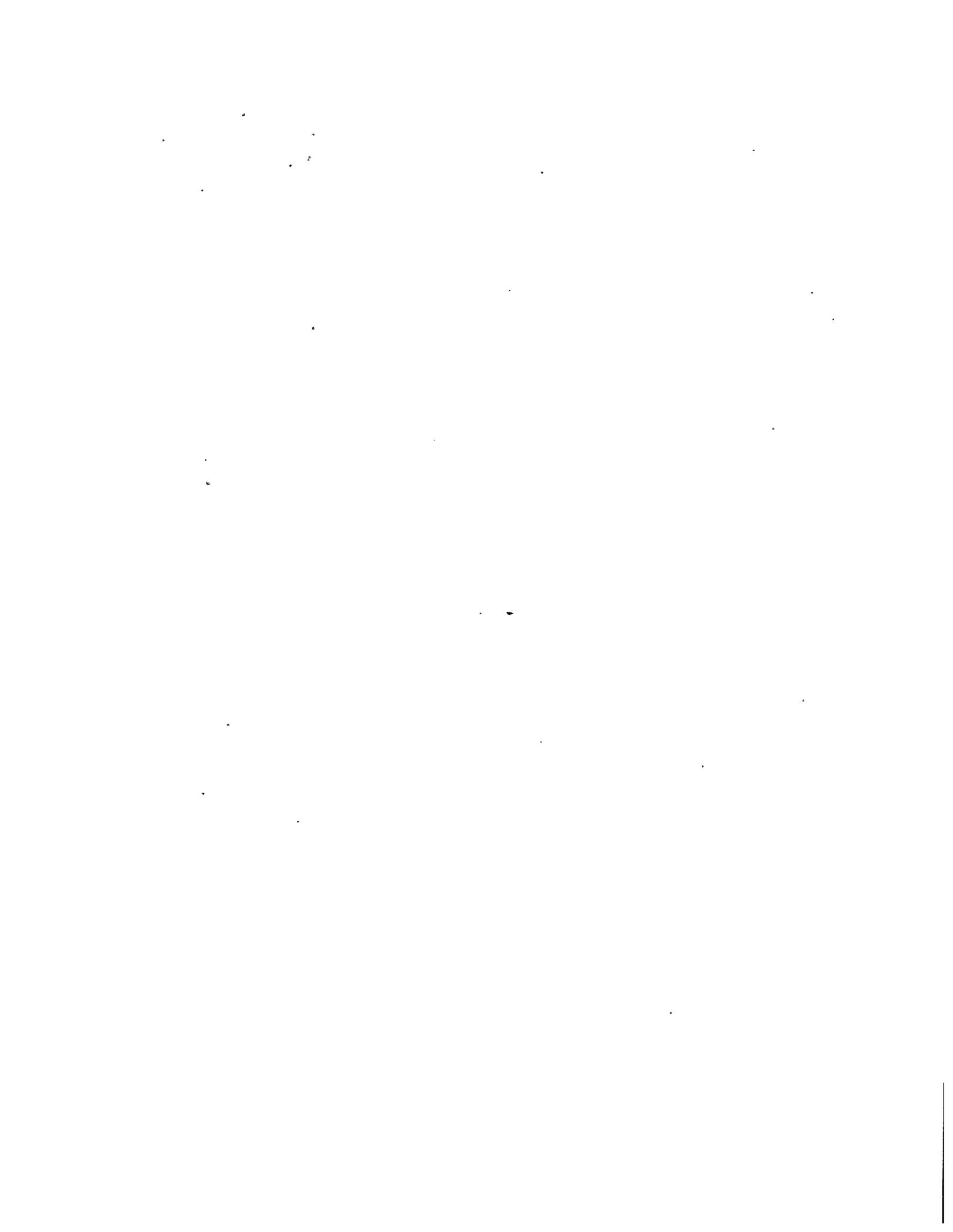
4. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment.

5. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and Section 6401.102.

6. I am unaware of any EPA assistance agreements or contracts held by anyone to whom or for whom my services would be provided. I would avoid any matter which could potentially involve or be associated with an EPA assistance agreement or contract.

Please advise if you should require additional information.

cc: Howard Corcoran



Peggy Love/DC/USEPA/US  
09/12/2006 03:22 PM

To Scott Sherman/DC/USEPA/US  
cc FOIA EX 6 /DC/USEPA/US, Peggy Love,  
bcc  
Subject Re: EX 6 Approval for Outside Employment

Scott -

Thank you for forwarding FOIA EX 6 request to teach legal research and writing at ( FOIA EX 6  
FOIA EX 6 ) University Law School. I reviewed FOIA EX 6 e-mail and approve her request. I will place a  
copy of this e-mail in her file.

Peggy

Peggy Love  
Attorney (Ethics)  
Deputy Ethics Official (DEO)  
Office of General Counsel  
7439 AR-N  
(202) 564-1784  
Scott Sherman/DC/USEPA/US

Scott  
Sherman/DC/USEPA/US  
09/07/2006 03:42 PM

To Peggy Love/DC/USEPA/US@EPA  
cc FOIA EX 6 @epamail.epa.gov  
Subject EX 6 : Approval for Outside Employment

Peggy -

I have reviewed the request of SWERLO staff attorney FOIA EX 6 to teach a course a EX 6 Law School  
and recommend approval. Please let me know if you have any questions or need any additional  
information.

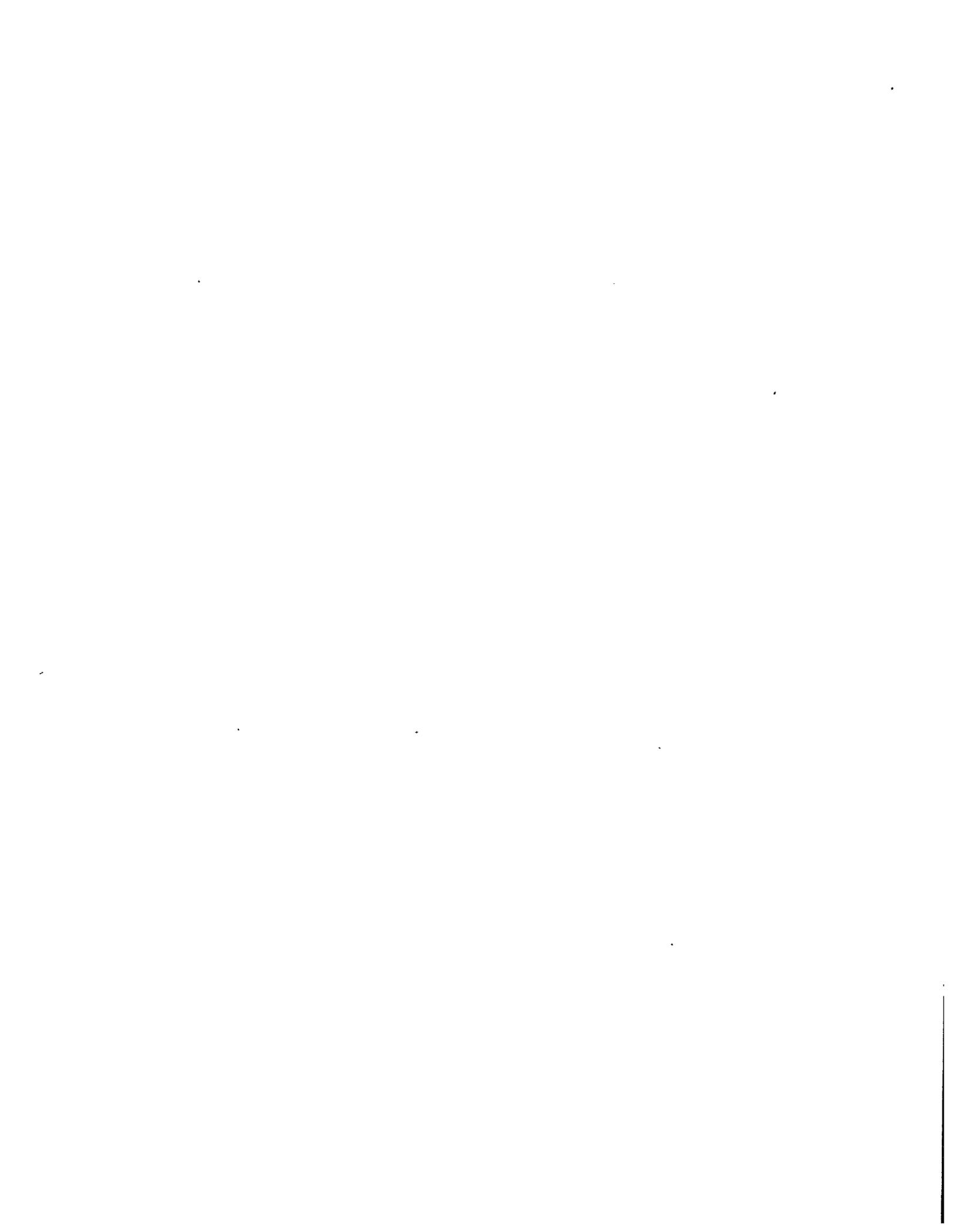
Scott A. Sherman  
U.S. Environmental Protection Agency  
Associate General Counsel  
Solid Waste and Emergency Response

----- Forwarded by Scott Sherman/DC/USEPA/US on 09/07/2006 03:40 PM -----

FOIA EX 6 /DC/USEPA/US  
09/06/2006 02:08 PM

To Scott Sherman  
cc  
Subject Approval for Outside Employment

Scott,



I am writing to ask your assistance in obtaining approval for me to teach legal research and writing at FOIA EX6 University Law School. Justina Fugh said that I should send a note through my supervisor to OGC's Deputy Ethics Official, Peggy Love -- if you could forward this request to Peggy Love, I'd be grateful. I've included the requisite information for obtaining approval for outside employment below. If you need any more information, please let me know.

I have an opportunity to teach Legal Research and Writing at FOIA EX6 University Law School. I will be teaching one section per semester, one evening per week. The compensation is \$ EX6 per semester. The contact at FOIA EXEMPTION@law EX6.edu), Associate Director of the Legal Research and Writing Program. The estimated amount of time will be 2 class hours per week, plus preparation time. I will be teaching outside of my normal working hours. No official duty time or Government property, resources or facilities available to the general public will be used in connection with the outside employment. I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (subpart H) and Section 6401.102. My title is Attorney-Advisor, and I am a GS-14.

Thank you.

FOIA EX6  
U.S. EPA Office of General Counsel  
202 FOIA EX6



## Fugh, Justina

---

**From:** Fugh, Justina  
**Sent:** Friday, August 22, 2014 3:14 PM  
**To:** FOIA EX6  
**Cc:** Fort, Daniel  
**Subject:** RE: Clean Air Act Handbook

Hi EX6

Here you go: This work is not a product of the United States Government or the United States Environmental Protection Agency, and the editor is not doing this work in any governmental capacity. The views expressed are those of the editor only and do not necessarily represent those of the United States or the US EPA.

If you are constrained for space, use just the second sentence.  
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Fort, Daniel  
**Sent:** Monday, August 18, 2014 9:52 AM  
**To:** FOIA EX6  
**Cc:** Fugh, Justina  
**Subject:** RE: Clean Air Act Handbook

Thanks for the opportunity to respond. Justina is the Deputy Ethics Official for OGC in Jennie absence and I have forwarded your email to her.

**From:** FOIA EX6  
**Sent:** Monday, August 18, 2014 9:36 AM  
**To:** Fort, Daniel  
**Subject:** RE: Clean Air Act Handbook

Dan,

Please see my exchange below with Jennie Keith regarding my participation in an outside activity (revising a chapter in an American Bar Association reference book). Could you help me with follow-up questions in Jennie's absence? I don't think I received the updated guidelines and am now at the stage of actually making the revisions, which I'm sure should include the current disclaimer.

Thanks,  
EX6

FOIA EX6



Office of General Counsel  
U.S. EPA  
FOIA EX6

**From:** Keith, Jennie  
**Sent:** Wednesday, April 02, 2014 4:56 PM  
**To:** FOIA EX6  
**Subject:** RE: Clean Air Act Handbook

EX6

You may continue to participate as an outside activity (not part of official duties), but I will send you updated guidelines we have since employed for outside activities which includes an updated disclaimer. I will also want to review any release and/or publication agreement you'll have to sign.

Thanks!  
Jennie for OGC/Ethics  
202-564-3412

**From:** Fugh, Justina  
**Sent:** Monday, March 31, 2014 4:04 PM  
**To:** FOIA EX6 re  
**Cc:** Keith, Jennie  
**Subject:** RE: Clean Air Act Handbook

Hi: EX6

Oh, your question needs to be addressed by your own Deputy Ethics Official, Jennie Keith, so I am copying her.  
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** FOIA EX6  
**Sent:** Monday, March 31, 2014 4:01 PM  
**To:** Fugh, Justina  
**Subject:** FW: Clean Air Act Handbook

Justina,

I have participated in two previous updates to the ABA's Clean Air Act Handbook over the course of my years at EPA, and would like to participate in the latest update, to take place over the next few months. As in the past, I am contacting you to make sure there is no ethics issue with my participation. I will not be spending official time on this project. The chapter that I will be updating already contains the following disclaimer: "The views expressed are those of the authors and do not reflect the views of the U.S. Environmental Protection



Agency." I will make sure this disclaimer is retained in the updated version. Please let me know if there is anything else I should do prior to beginning work on this project.

Thank you  
FOIA EX 6

From: FOIA EX 6 [mailto:FOIA EX 6 .com]  
Sent: Wednesday, March 26, 2014 6:34 PM  
To: FOIA EXEMPTION 6, FOIA EX 6  
Cc:  
Subject: Clean Air Act Handbook

Dear FOIA EX 6

I hope this finds you both well. It's been three years since we last updated the Clean Air Act Handbook, and we are now embarking on the Fourth Edition! We write to ask whether you will agree to contribute to this new edition by updating your chapter on stratospheric ozone protection.

We are setting a rather ambitious goal for completing this edition, and ask that you keep this in mind and assist us in meeting it. Our goal – as put to us by the ABA – is to finalize the revised edition this summer. We recognize this is a very tight schedule, and ask that you carefully consider your other commitments and ability to provide your updated chapter by the end of July.

To assist with this process and meet this goal, the ABA will be soliciting and providing pre-reviews of your chapter, which will be conducted by practitioners in the relevant topic areas. We will work with you to address the suggested revisions from these reviews and are confident that this approach will expedite the peer-review process. In addition, we are asking authors to either include practice pointers in their chapters or, to the extent they already have such, as ABA has found such suggestions add value to the product.

We greatly value your perspective and insights, as well as the important information regarding our favorite statute. We look forward to working with you to make the Fourth Edition as valuable a resource as the prior editions have been. Please let me know if you have any questions. I look forward to hearing from you.

Best regards,  
EX 6

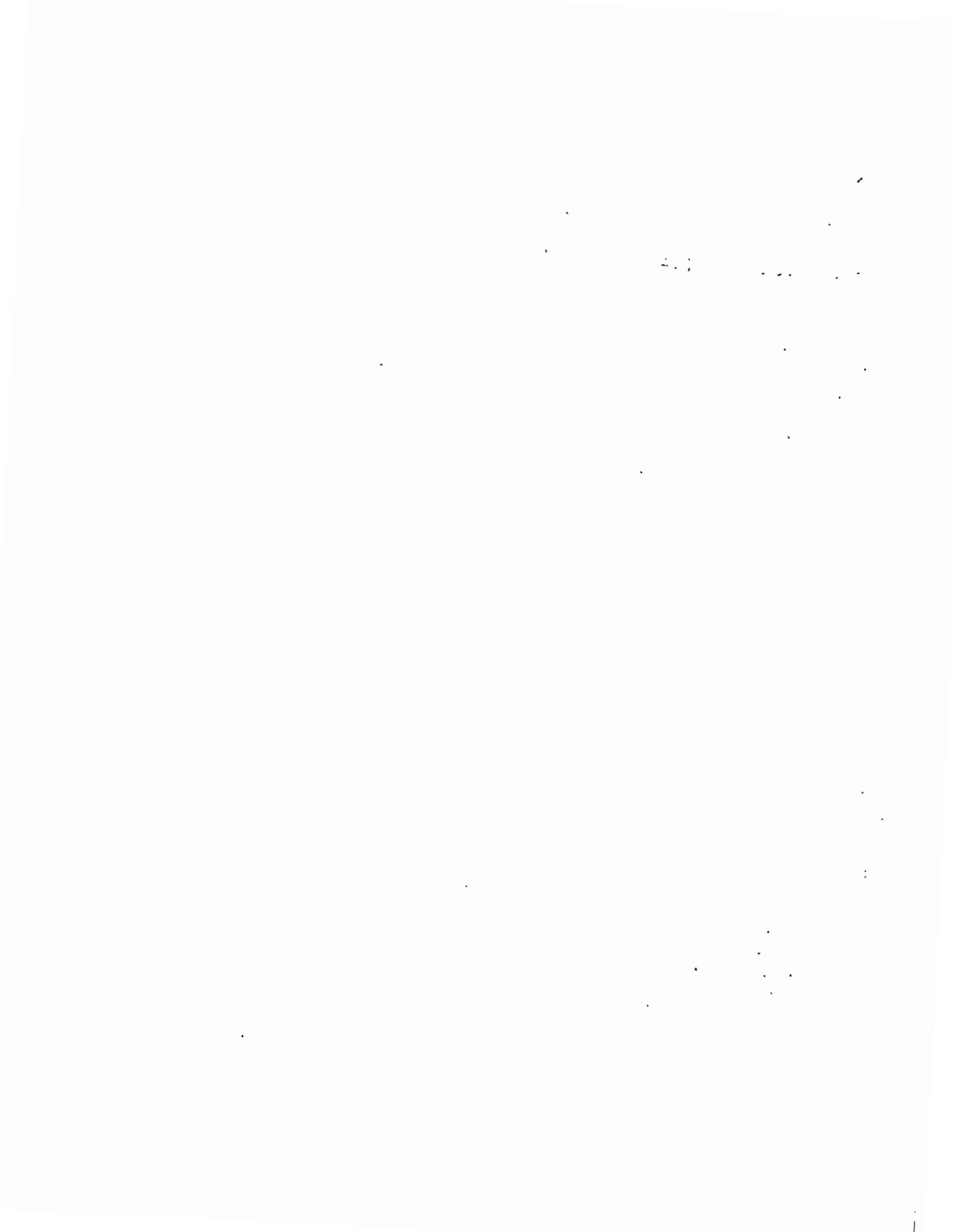
FOIA EX 6

ATTORNEYS AT LAW

FOIA EX. 6

Confidentiality Notice

This communication constitutes an electronic communication within the meaning of the Electronic Communications Privacy Act, 18 U.S.C. Section 2510, and its disclosure is strictly limited to the recipient intended by the sender of this message. This transmission, and any attachments, may contain confidential attorney-client privileged information and attorney work product. If you are not the intended recipient, any disclosure, copying, distribution or use of any of the information contained in or attached to this transmission is STRICTLY PROHIBITED. Please contact us immediately by return e-mail or at 404 815 6500, and destroy the original transmission and its attachments without reading or saving in any manner.



file

Peggy Love/DC/USEPA/US  
03/16/2008 11:01 AM

To FOIA EX 6 DC/USEPA/US  
cc Patricia Embrey/DC/USEPA/US@EPA, Richard  
Ossias/DC/USEPA/US@EPA  
bcc

Subject Re: work on 3rd edition of ABA "Clean Air Act Handbook"

Hi: EX 6

I have reviewed your request below to revise the Stratospheric Ozone Protection chapter in the ABA Clean Air Act Handbook (Martineau and Novello, eds., 2nd ed. 2004). You will be updating portions of this chapter to reflect developments since the preparation of the previous edition. I approve your request. Please make sure that your EPA title and position are not used in a way that appears that EPA is endorsing this book. It is okay to mention your EPA affiliation as part of your bio. I will put a copy of this e-mail in your ethics file that I have in my office.

Thanks for checking.

Peggy Love  
Attorney (Ethics)  
Deputy Ethics Official (DEO)  
Office of General Counsel  
7439 AR-N  
(202) 564-1784  
FOIA EX 6 /DC/USEPA/US

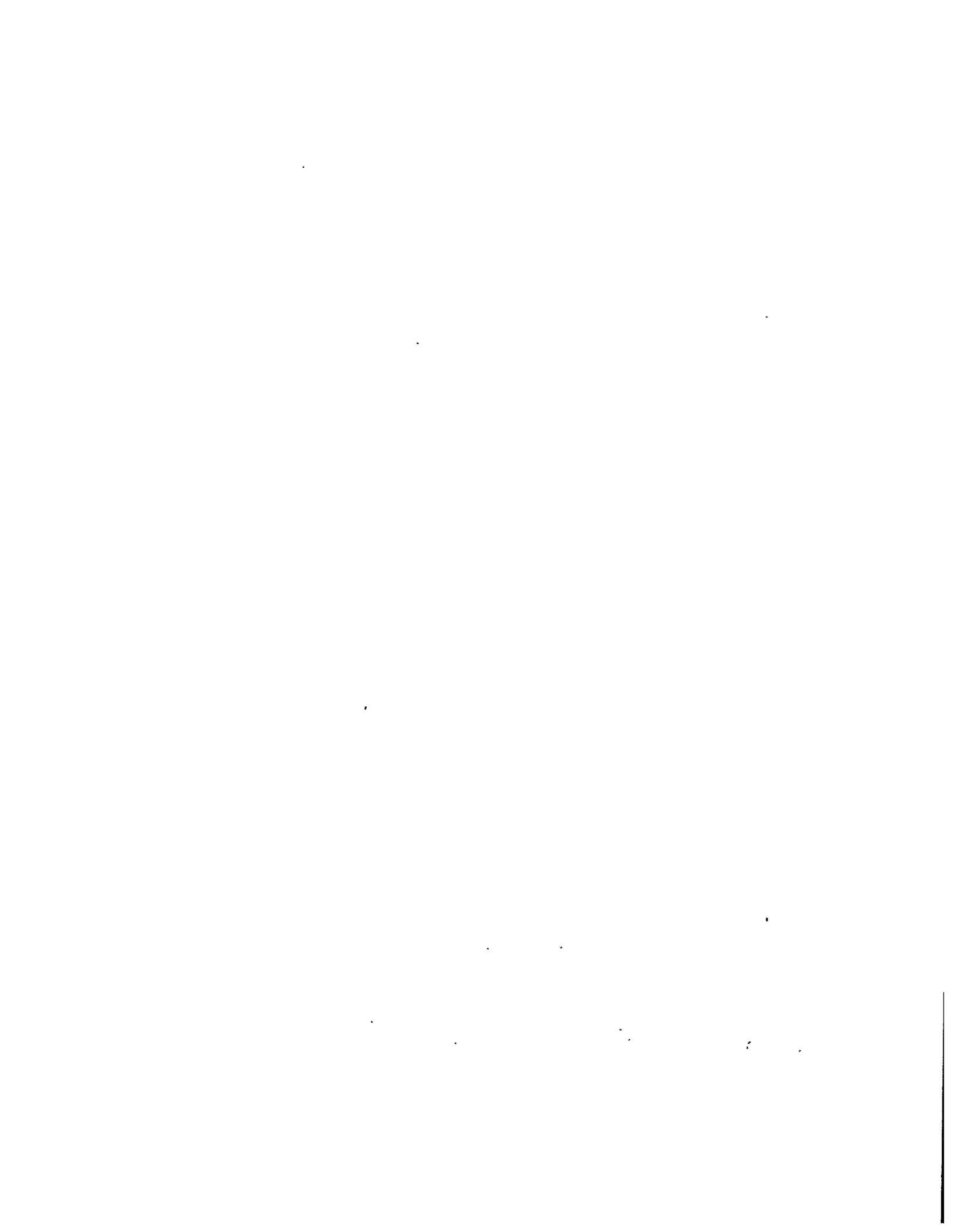
FOIA EX 6 DC/USEPA/US  
03/13/2008 02:44 PM

To Peggy Love/DC/USEPA/US@EPA  
cc Richard Ossias/DC/USEPA/US@EPA, Patricia  
Embrey/DC/USEPA/US@EPA  
Subject work on 3rd edition of ABA "Clean Air Act Handbook"

Peggy,

I am writing to obtain approval to engage in "outside employment" pursuant to the ethics standards mentioned in your email below. Here is the information required by section 6401.103(b):

- (1) My title is Attorney-Advisor, and my grade is GS-15.
- (2) The outside employment consists of revising the Stratospheric Ozone Protection chapter in the ABA Clean Air Act Handbook (FOIA EX 6 eds., 2nd ed. 2004). I will be updating portions of this chapter to reflect developments since the preparation of the previous edition. The work is to occur beginning this spring. The editors are requesting that revisions be completed by mid-May, but based on my experience with the previous edition, I would not be surprised if the deadline were extended. I will not receive any compensation for this work.
- (3) The Clean Air Act Handbook is published by the American Bar Association. The editors for this edition are FOIA EX 6 and FOIA EX 6 of V FOIA EX 6.
- (4) I estimate that I will spend the equivalent of two days on the revisions. I expect to divide up the work with a private sector attorney.
- (5) I will perform the work entirely outside of normal duty hours, with the exception of de minimis activities such as use of the telephone, fax machine, and email.



I am requesting approval for outside volunteer work with the Center for Dispute Settlement/The Community Dispute Resolution Center (CDRC) <http://www.cdsusa.org/community.html>

**1. Employee's name, title and grade**

FOIA ex 6 Conflict Resolution Specialist, GS-0301-14

**2. Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected.**

I would like permission to continue as a volunteer mediator with The Community Dispute Resolution Center (CDRC). No monetary compensation is provided.

**3. The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months).**

N/A

**4. The estimated time to be devoted to the activity.**

I estimate an average of 2 hours per month for the next year.

**5. Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required).**

If any day time hours are needed, I will take annual leave time to perform this volunteer work. Otherwise, this work will be conducted after work in the evenings.

**6. The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with outside employment.**

I will not use any EPA property, resources or facilities that are not available to the general public.

**7. Nature, amount and the basis for compensation (e.g., fee, per diem, per annum, etc.).**

N/A

**8. The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.103.**

I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401 103

**9. An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.**

Should I become aware of a situation where any EPA assistance agreements or contracts are involved, I will contact my deputy ethics official (DEO) for a determination on whether there is a conflict

Further, I understand if I am transferred to another part of the organization or there is a change in the nature or scope of the duties or services performed, I would need to obtain approval from the applicable manager and the deputy ethics official.

FOIA ex 6

Signed

8/24/07

Date



**MEMORANDUM**

**From:** [FOIA Ex. 6]  
**To:** Al McGartland, Deputy Ethics Official  
**Subject:** Compensation for teaching class at [FOIA Ex. 6] University  
**Date:** December 10, 2007

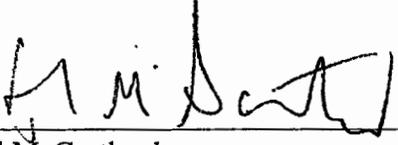
Per 5 CFR part 6401.103 requirements, I wish to request approval to engage in outside employment for compensation. I wish to receive compensation for a teaching a class in the School of Public Policy of [FOIA Ex. 6] University ([FOIA Ex. 6]. The course is ITRN 504: Trade and Microeconomics for International Commerce. It is a core course in the International Commerce and Policy (ICP) program. The course description follows:

Provides a foundation in international economics and presents the fundamentals of international trade, finance, and transactions. Focuses on alternative approaches to understanding the international economic system. Topics covered include supply and demand theory, tariffs, customs unions, institutions, and economic development. Students employ appropriate analytical approaches, including graphical analyses, and communicate the results concisely. The emphasis is on relating theory to practical applications.

The class will meet 7:20-10:00 PM on Tuesdays during the Spring 2008 semester at the [FOIA Ex. 6] Campus of [FOIA Ex. 6]. This work will involve only use of my training in economic general mics, and will involve no substantive overlap with my current or expected duties at EPA.

In teaching the class, no official duty time, government property or resources will be used.

I have read, and am familiar with, and will abide by the restrictions described in 5 CFR part 2635 (STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH) and Sec. 6401.102. (SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE ENVIRONMENTAL PROTECTION AGENCY).

Approved:  1/7/08  
Al McGartland Date  
Deputy Ethics Official

Disapproved: \_\_\_\_\_  
Al McGartland Date  
Deputy Ethics Official

**MEMORANDUM**

**From:** [FOIA Ex. 6]  
**To:** Al McGartland, Deputy Ethics Official  
**Subject:** Compensation for teaching class at George Mason University  
**Date:** June 1, 2008

Per 5 CFR part 6401.103 requirements, I wish to request approval to engage in outside employment for compensation. I wish to receive compensation for a teaching a class in the School of Public Policy of [FOIA Ex. 6] University (FOIA Ex. 6). The course is ITRN 504: Trade and Microeconomics for International Commerce. It is a core course in the International Commerce and Policy (ICP) program. The course description follows:

Provides a foundation in international economics and presents the fundamentals of international trade, finance, and transactions. Focuses on alternative approaches to understanding the international economic system. Topics covered include supply and demand theory, tariffs, customs unions, institutions, and economic development. Students employ appropriate analytical approaches, including graphical analyses, and communicate the results concisely. The emphasis is on relating theory to practical applications.

The class will meet 7:20-10:00 PM on Wednesdays during the Fall 2008 semester at the [FOIA Ex. 6] Campus of [FOIA Ex. 6]. This work will involve only the use of my general training in economics, and will involve no substantive overlap with my current or expected duties at EPA.

In teaching the class, no official duty time, government property or resources will be used.

I have read, and am familiar with, and will abide by the restrictions described in 5 CFR part 2635 (STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH) and Sec. 6401.102. (SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE ENVIRONMENTAL PROTECTION AGENCY).

Approved: Al McGartland ( 6/4/08 )  
Al McGartland Date  
Deputy Ethics Official

Disapproved: \_\_\_\_\_  
Al McGartland Date  
Deputy Ethics Official

17 February 2009

MEMORANDUM

SUBJECT: Part time employment with Johns Hopkins University School of Advanced International Studies (SAIS)

FROM: [FOIA Ex. 6]  
OPEI/NCEE/  
BAMDD

TO: Al McGartland  
NCEE Director/Deputy Ethics Official

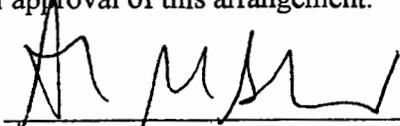
CC: Shelley Levitt  
OPEI/NCEE

Brett Snyder  
OPEI/NCEE/BAMDD

For the last several years I have taught at [FOIA Ex. 6] while working part-time at NCEE. Beginning in September 2008 I have worked 32 hours per week in NCEE while continuing to teach a course at [FOIA Ex. 6]. In the 2009 – 10 academic year I plan to teach one year-long course at [FOIA Ex. 6], the “International Environmental Policy Practicum,” in which I supervise teams of graduate students as they conduct *pro bono* consultancies on environmental issues for non-profit clients. I do my work for [FOIA Ex. 6] on my own time and using a computer and work space either at home or at [FOIA Ex. 6].

I have done my work at [FOIA Ex. 6] in the past with the approval of EPA, and would now simply like to note for the record that I plan to continue this part-time outside employment. I would be grateful if you could sign and date this memorandum to signify your formal approval of this arrangement.

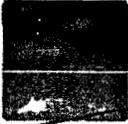
Approved



Al McGartland  
OPEI/NCEE  
Deputy Ethics Official

Date

2/17/09



Re: Ethics approval request or teaching course at [FOIA Ex. 6]  
McGartland to



02/09/2009 11:59 AM

Cc Charles Griffiths, "Shelley Levitt"

OK. Please print this out and give to Shelley as official record of DEO approval.  
Sent via blackberry, please excuse typos and brevity

Al McGartland, PhD.  
Director, National Center for Environmental Economics  
US EPA  
1201 Pennsylvania Ave., N.W.  
Washington, D.C. 20460

202.566.2244

FOIA Ex. 6

----- Original Message -----

**From:** [FOIA Ex. 6]

**Sent:** 02/09/2009 11:28 AM EST

**To:** Al McGartland

**Cc:** Charles Griffiths

**Subject:** Ethics approval request for teaching course at [FOIA Ex. 6]

Hi Al -

Charles and I have been asked to teach a Cost-Benefit Analysis course next fall for the Applied Economics Master's program at [FOIA Ex. 6]. This note is to request ethics approval to teach the course.

The course would run approximately from September 9th to December 19th and involves 14 weekly meetings (with the last meeting either being for the final exam or instruction). Classes take place in the evening and run from 6:00pm to 8:45pm at the [FOIA Ex. 6] Center [FOIA Ex. 6]. Compensation is [FOIA Ex. 6] 0 total (i.e., [FOIA Ex. 6] for each of us as instructors).

The course would be taught in the evenings, after EPA working hours. We would not use official duty time or Government property for the course.

If you need more information please let us know.

Thank you,

- [FOIA Ex. 6]

[FOIA Ex. 6], PhD  
Director, Science Policy and Analysis Division  
National Center for Environmental Economics

US EPA (1809T)  
1200 Pennsylvania Ave, NW  
Washington, DC 20460

**MEMORANDUM**

FOIA Ex. 6

**FROM:** [FOIA Ex. 6], [FOIA Ex. 6]  
**TO:** Al McGartland, Deputy Ethics Official  
**SUBJECT:** Outside Employment (university teaching)  
**DATE:** March 25, 2009  
**CC:** Shelley Levitt, Chief of Staff

**We have been invited to teach Environmental Economics for the Master's Program in Environmental Sciences and Policy at [FOIA Ex. 6] University this summer.**

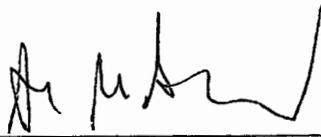
**The class would take place on Monday and Wednesday evenings, outside of work hours, running from June 1 to July 8 on the [FOIA Ex. 6] campus. Compensation is [FOIA Ex. 6] for each of us as co-instructors.**

**As you recall, [FOIA Ex. 6] and I have taught this course before, and we would not ~~use~~<sup>use</sup> official duty time or EPA property for this work.**

**We request ethics approval for this outside employment.**

**Thank you.**

Approved



Al McGartland  
OPEI/NCEE  
Deputy Ethics Official

Date

3/24/09

**MEMORANDUM**

**From:** [FOIA Ex. 6]  
**To:** Al McGartland, Deputy Ethics Official  
**Subject:** Compensation for teaching class at [FOIA Ex. 6] University  
**Date:** October 1, 2009

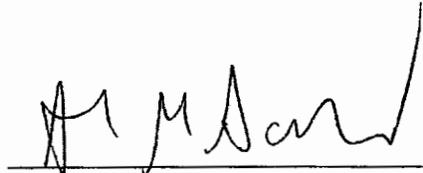
Per 5 CFR part 6401.103 requirements, I wish to request approval to engage in outside employment for compensation. I wish to receive compensation for a teaching a class in the School of Public Policy of George Mason University (GMU). The course is ITRN 504: Trade and Microeconomics for International Commerce. It is a core course in the International Commerce and Policy (ICP) program. The course description follows:

Provides a foundation in international economics and presents the fundamentals of international trade, finance, and transactions. Focuses on alternative approaches to understanding the international economic system. Topics covered include supply and demand theory, tariffs, customs unions, institutions, and economic development. Students employ appropriate analytical approaches, including graphical analyses, and communicate the results concisely. The emphasis is on relating theory to practical applications.

The class will meet 7:20-10:00 PM on Wednesdays during the Spring 2010 semester at the Arlington Campus of [FOIA Ex. 6]. This work will involve only the use of my general training in economics, and will involve no substantive overlap with my current or expected duties at EPA.

In teaching the class, no official duty time, government property or resources will be used.

I have read, and am familiar with, and will abide by the restrictions described in 5 CFR part 2635 (STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH) and Sec. 6401.102. (SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE ENVIRONMENTAL PROTECTION AGENCY).

Approved:   
Al McGartland \_\_\_\_\_ Date  
Deputy Ethics Official

Disapproved: \_\_\_\_\_ Date  
Al McGartland  
Deputy Ethics Official

**MEMORANDUM**

**From:** FOIA EX. 6  
**To:** Al McGartland, Deputy Ethics Official  
**Subject:** Compensation for teaching class at George Mason University  
**Date:** February 15, 2010

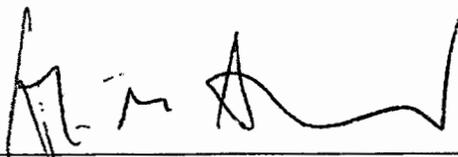
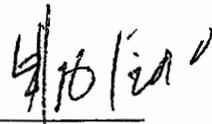
Per 5 CFR part 6401.103 requirements, I wish to request approval to engage in outside employment for compensation. I wish to receive compensation for a teaching a class in the School of Public Policy of [FOIA Ex. 6] University [FOIA Ex. 6]. The course is ITRN 504: Trade and Microeconomics for International Commerce. It is a core course in the International Commerce and Policy (ICP) program. The course description follows:

Provides a foundation in international economics and presents the fundamentals of international trade, finance, and transactions. Focuses on alternative approaches to understanding the international economic system. Topics covered include supply and demand theory, tariffs, customs unions, institutions, and economic development. Students employ appropriate analytical approaches, including graphical analyses, and communicate the results concisely. The emphasis is on relating theory to practical applications.

The class will meet 7:20-10:00 PM on Tuesdays during the Fall 2010 semester at the Arlington Campus of GMU. This work will involve only the use of my general training in economics, and will involve no substantive overlap with my current or expected duties at EPA.

In teaching the class, no official duty time, government property or resources will be used.

I have read, and am familiar with, and will abide by the restrictions described in 5 CFR part 2635 (STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH) and Sec. 6401.102. (SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE ENVIRONMENTAL PROTECTION AGENCY).

Approved:    
Al McGartland Date  
Deputy Ethics Official

Disapproved: \_\_\_\_\_  
Al McGartland Date  
Deputy Ethics Official

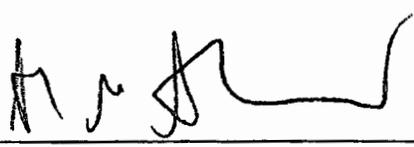
**MEMORANDUM**

**FROM:** FOIA Ex. 6. FOIA Ex. 6  
**TO:** Al McGartland, Deputy Ethics Official  
**SUBJECT:** Outside Employment  
**CC:** Shelley Levitt, Chief of Staff

**We have again been asked by [FOIA Ex. 6] University to co-teach Environmental Economics (summer) and Benefit-Cost Analyses (fall). The courses are taught in the evenings, after regular working hours, and would require no use of EPA resources.**

**The terms are also similar to prior years. Gross pay for each of us is [FOIA Ex. 6] per course for total compensation for a total of [FOIA Ex. 6] this calendar year.**

**Thank you for considering our request for ethics approval.**

Approved  Date 6/1/10  
Al McGartland  
OPEI/NCEE  
Deputy Ethics Official

You need to do this  
only every other year -  
Al



**Fw: Teaching Environmental Economics at [FOIA Ex. 6] (Spring 2010) --I am very sorry for the late notification**

FOIA Ex. 6 to: Shelley Levitt

06/16/2010 02:48 PM

— Forwarded by [FOIA Ex. 6]/DC/USEPA/US on 06/16/2010 02:48 PM —

**From:** [FOIA Ex. 6]  
**To:** Al McGartland/DC/USEPA/US@EPA  
**Date:** 01/08/2010 06:43 PM  
**Subject:** Re: Teaching Environmental Economics at [FOIA Ex. 6] (Spring 2010) - I am very sorry for the late notification

Thanks Al. Again sorry about the late notification.

Have a good weekend.

[FOIA Ex. 6]

Re: Teaching Environmental Economics at [FOIA Ex. 6] (Spring 2010) --I am very sorry for the late notifi ...



**Re: Teaching Environmental Economics at Georgetown (Spring 2010) -- I am very sorry for the late notification**

Al McGartland to: [FOIA Ex. 6]

01/08/2010 04:40 PM

You're fine -- teaching position is approved (as your DEO).

Al McGartland, PhD.  
Director, National Center for Environmental Economics  
US EPA  
1201 Pennsylvania Ave., N.W.  
Washington, D.C. 20460

202.566.2244

FOIA Ex. 6

Hi Al - Arik Levinson has asked me to teach a c...

01/08/2010 04:20:01 PM

**From:** [FOIA Ex. 6]/DC/USEPA/US  
**To:** Al McGartland/DC/USEPA/US@EPA  
**Cc:** Brett Snyder/DC/USEPA/US@EPA  
**Date:** 01/08/2010 04:20 PM  
**Subject:** Teaching Environmental Economics at [FOIA Ex. 6] (Spring 2010) -- I am very sorry for the late notification

[attachment "[FOIA Ex. 6] Spring 2010 (FOIA Ex. 6).doc" deleted by Al McGartland/DC/USEPA/US]

Hi Al -

Arik Levinson has asked me to teach a course at [FOIA Ex. 6] University this Spring semester. I will be teaching ECON-475 Environmental Economics. I have attached a memo asking for you, as the NCEE Deputy Ethics Officer, permission to teach this course. I am really sorry for the late

notification. Brett told me over a month ago that I needed to get your permission and it completely slipped my mind until just now.

Thank you.

FOIA Ex. 6

**MEMORANDUM**

From: [FOIA Ex. 6]  
To: Al McGartland, Deputy Ethics Official  
Subject: Invitation to serve on Editorial Board of *Energy Economics*  
Date: September 4, 2012

Per EPA Ethics Advisory 89-19, I wish to request approval to accept an invitation to serve on the Editorial Board of *Energy Economics* (<http://www.journals.elsevier.com/energy-economics/>). As a member of the editorial board, my responsibilities will include:

- (1) At *Energy Economics*, associate editors are primarily super-reviewers. Given the number of papers I review for *Energy Economics*, little will change in practice, apart from the public acknowledgement of my efforts.
- (2) Associate editors are occasionally asked for advice on journal policy or a thorny paper, and are welcome to give unsolicited advice at any time.
- (3) My name will appear on the journal cover.

This work will involve only the use of my general training in economics, and will involve no substantive overlap with my current or expected duties at EPA.

I have read, and am familiar with, and will abide by the restrictions described in 5 CFR part 2635 (STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH) and Sec. 6401.102. (SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE ENVIRONMENTAL PROTECTION AGENCY).

Approved: Al McGartland 9/20/12  
Al McGartland Date  
Deputy Ethics Official

Disapproved: \_\_\_\_\_  
Al McGartland Date  
Deputy Ethics Official

Date: February 8, 2012  
To: Al McGartland, NCEE  
From: [FOIA Ex. 6], NCEE  
Purpose: Approval of Outside Employment at Georgetown University for 2012

I am seeking approval for outside employment to teach a Masters level class at [FOIA Ex. 6] University for the fall and spring semesters. The classes will consist of providing a supervisory role to students as they design a research project from start to finish that will then serve as their thesis. I will supervise students that have chosen to concentrate their research on an energy or environmental issue. The class will be held on Monday evenings.

This year-long (two-semester) course is aimed at preparing Master-level students for a possible future career in academics, where they would be required to initiate and execute original studies on public policy. They are required to conduct original research (with an emphasis on quantitative or empirical aspects) on some particular issue in public policy, and present the results in the form of a paper. The purpose of the course is to successfully use data and multivariate regression methods to analyze a specific, testable question.

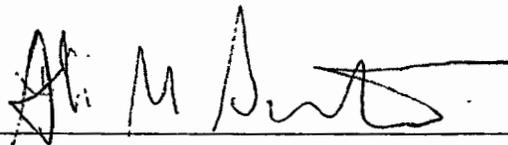
The course is divided into two semesters. In the fall semester the students write a research proposal that describes the research question and how they plan to address it. In the spring semester, they will conduct empirical analyses – running initial regressions, interpreting results, performing robustness checks as and when needed (and feasible), drawing policy implications and discussing potential drawbacks and directions for future research.

I am also seeking approval to co-teach a Masters level environmental economics class with [FOIA Ex. 6] at [FOIA Ex. 6] University in the summer of 2012.

Key contact:

[FOIA Ex. 6]

Approval Signature: \_\_\_\_\_



Date: \_\_\_\_\_

2/8/2012

**MEMORANDUM**

**From:** [FOIA Ex. 6]  
**To:** Al McGartland, Deputy Ethics Official  
**Subject:** Compensation for teaching class at George Mason University  
(Spring 2013 semester to Fall 2015 semester)  
**Date:** October 2, 2012

Per 5 CFR part 6401.103 requirements, I wish to request approval to engage in outside employment for compensation. I wish to receive compensation for a teaching a class in the School of Public Policy of [FOIA Ex. 6] University (FOIA Ex. 6). The course is ITRN 504: Trade and Microeconomics for International Commerce. It is a core course in the International Commerce and Policy (ICP) program. The course description follows:

Provides foundation in international economics, and presents fundamentals of international trade, finance, and transactions. Focuses on alternative approaches to understanding international economic system. Topics include classical and neoclassical theories of trade, alternative theories of trade and their extensions, tariffs, customs unions, institutions, and economic development. Students learn to employ appropriate analytical approaches, including graphical analyses, and communicate the results concisely. Throughout, emphasizes relating theory to practical applications.

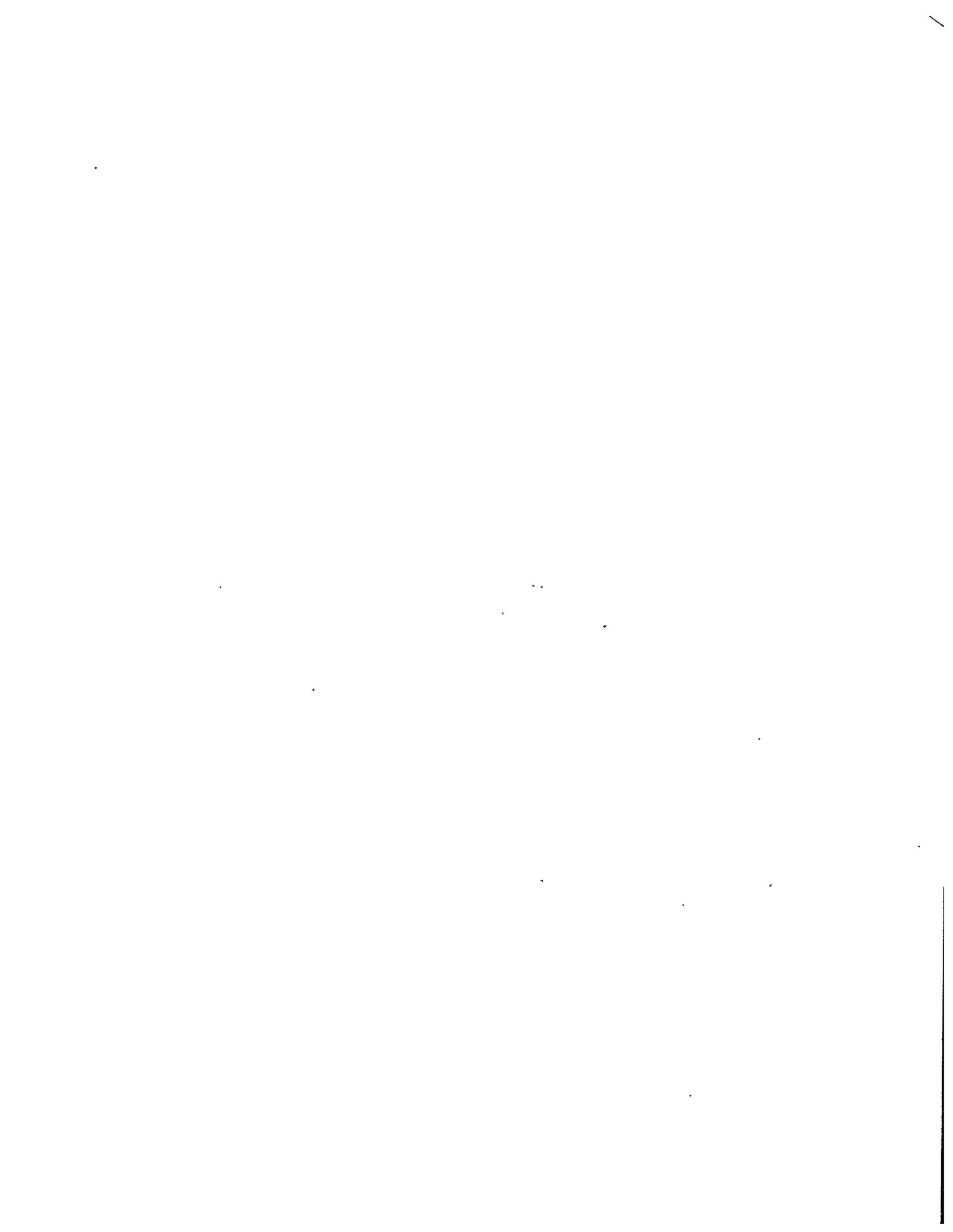
The class will meet 7:20-10:00 PM on Wednesdays during the Spring 2013 semester at the [FOIA Ex. 6] Campus of [FOIA Ex. 6]. This work will involve only the use of my general training in economics, and will involve no substantive overlap with my current or expected duties at EPA. It is likely that in subsequent semesters I will teach this class on Tuesday during the Fall and Wednesday during the Spring.

In teaching the class, no official duty time, government property or resources will be used.

I have read, and am familiar with, and will abide by the restrictions described in 5 CFR part 2635 (STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH) and Sec. 6401.102. (SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE ENVIRONMENTAL PROTECTION AGENCY).

Approved: Al McGartland 10/3/12  
Al McGartland Date  
Deputy Ethics Official

Disapproved: \_\_\_\_\_  
Al McGartland Date  
Deputy Ethics Official





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region 1  
5 Post Office Square, Suite 100  
BOSTON, MA 02109-3912

**MEMORANDUM**

**Date:** December 18, 2012

**Subject:** Permission to Engage in Outside Activity

**From:** Ira W. Leighton  
Deputy Ethics Official

**To:** [FOIA Ex. 6]  
Office of the Regional Administrator

A handwritten signature in black ink, appearing to read "Ira W. Leighton".

**CONFIDENTIAL**

Pursuant to 5 C.F.R. §6401.103, I have reviewed your request for permission to engage in outside employment as an adjunct professor at [FOIA Ex. 6] University. In that capacity, you will teach one course on an annual basis. You anticipate that you will devote approximately 10 hours per week for 5 weeks to this activity, all of which will be performed outside of your EPA duty hours. You will receive approximately [FOIA Ex. 6] as compensation for this activity.

I find that your participation in this outside activity creates neither an actual conflict of interest nor the appearance of a conflict of interest, provided you comply with the attached memorandum from LeAnn Jensen, Senior Assistant Regional Counsel. Accordingly, your request is approved. This approval is valid for five years from the date of my approval. If, however, there is a change in the nature or scope of your duties or services, you must submit a revised request to me.

If you have any further questions regarding this matter, please contact Ms. Jensen at 617-918-1072.

Attachment

cc: Nancy Grantham, Office of the Regional Administrator

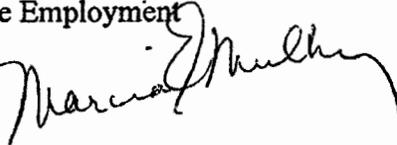


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103

**SUBJECT:** Approval of Outside Employment

**DATE:** MAR 12 2013

**FROM:** Marcia E. Mulkey  
Regional Counsel



**TO:** [FOIA Ex. 6]  
Senior Assistant  
Regional Counsel (3RC30)

I have reviewed your request to engage in outside employment on a part-time basis as an arbitrator for [FOIA Ex. 6] Dispute Resolution (FOIA Ex. 6). As Deputy Ethics Official, in accordance with 5 C.F.R. § 6401.103, I hereby approve your request.

In approving the request, I am confident that you will avoid any real or apparent conflict of interests. This includes, but is not limited to, avoiding the use of any EPA facilities or equipment, the use of your time during official working hours, the use of information obtained because of your EPA position and not freely available to the general public, any use of or reference to your official title or affiliation with the Agency, any involvement in any EPA matter related to [FOIA Ex. 6], representing your employer before any Federal Agency, or taking any action or writing anything implying official or unofficial EPA endorsement of any advice or opinion that you may give.

This approval shall remain in effect for five years or for the duration of the time that you are an arbitrator for [FOIA Ex. 6] (as described in your memorandum to me), whichever is shorter. Please notify me if there are any changes in the nature of your outside work or its relationship to your duties at EPA or any EPA project.

Note that federal ethics rules contain provisions intended to ensure that an employee takes appropriate steps to avoid the appearance of a loss of impartiality in the performance of his official duties. One provision governs circumstances where an employee knows that a person with whom he has a covered relationship is or represents a party to a particular matter involving specific parties before his Federal Agency. Under the federal ethics rules, you are considered to have a "covered relationship" with [FOIA Ex. 6] for one year after your employment ends. If you become involved in a particular matter involving [FOIA Ex. 6] as part of your duties with EPA, please consult with the Office of Regional Counsel Ethics Team about the steps you may need to take to avoid the appearance of a loss of impartiality.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103

**SUBJECT:** Request for Approval of Outside Employment      **DATE:** 03/01/13

**FROM:** [FOIA Ex. 6] (3RC30      FOIA Ex. 6

**TO:** Marcia Mulkey  
Regional Counsel (3RC00)

**THRU:** Cheryl Jamieson (3RC30) *CJ*

I am requesting approval to engage in limited outside employment on a part-time basis in accordance with 5 C.F.R. § 6401.103.

The activity would be as an occasional Arbitrator in Philadelphia for the [FOIA Ex. 6] Dispute Resolution ("FOIA Ex. 6") .[FOIA Ex. 6] operates the largest securities dispute resolution forum in the world handling arbitration claims filed involving customers of brokerage firms, in addition to disputes between and among brokerage firms and their employees. I believe no conflict of interest would be involved in performing this type of activity. I will not use EPA equipment, facilities, or my time during official working hours. I also will not use information obtained as a result of my EPA position and not freely available to the general public. I have read and am familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment.

Description of Proposed Outside Activity

Name: [FOIA Ex. 6]

Title: Senior Assistant Regional Counsel

Grade: GS-14

Nature of Activity: Periodic arbitrator/arbitration panel participant with [FOIA Ex. 6] Dispute Resolution.

1) This activity involves my participation as an independent contractor as an individual or panel participant on an arbitration panel.

2) The activity is extra-judicial and involves customers of brokerage firms and brokerage firm employees.

3) The Federal Courts are not involved in any way.

Name of Contracting Party: [FOIA Ex. 6] Dispute Resolution  
[FOIA Ex. 6]

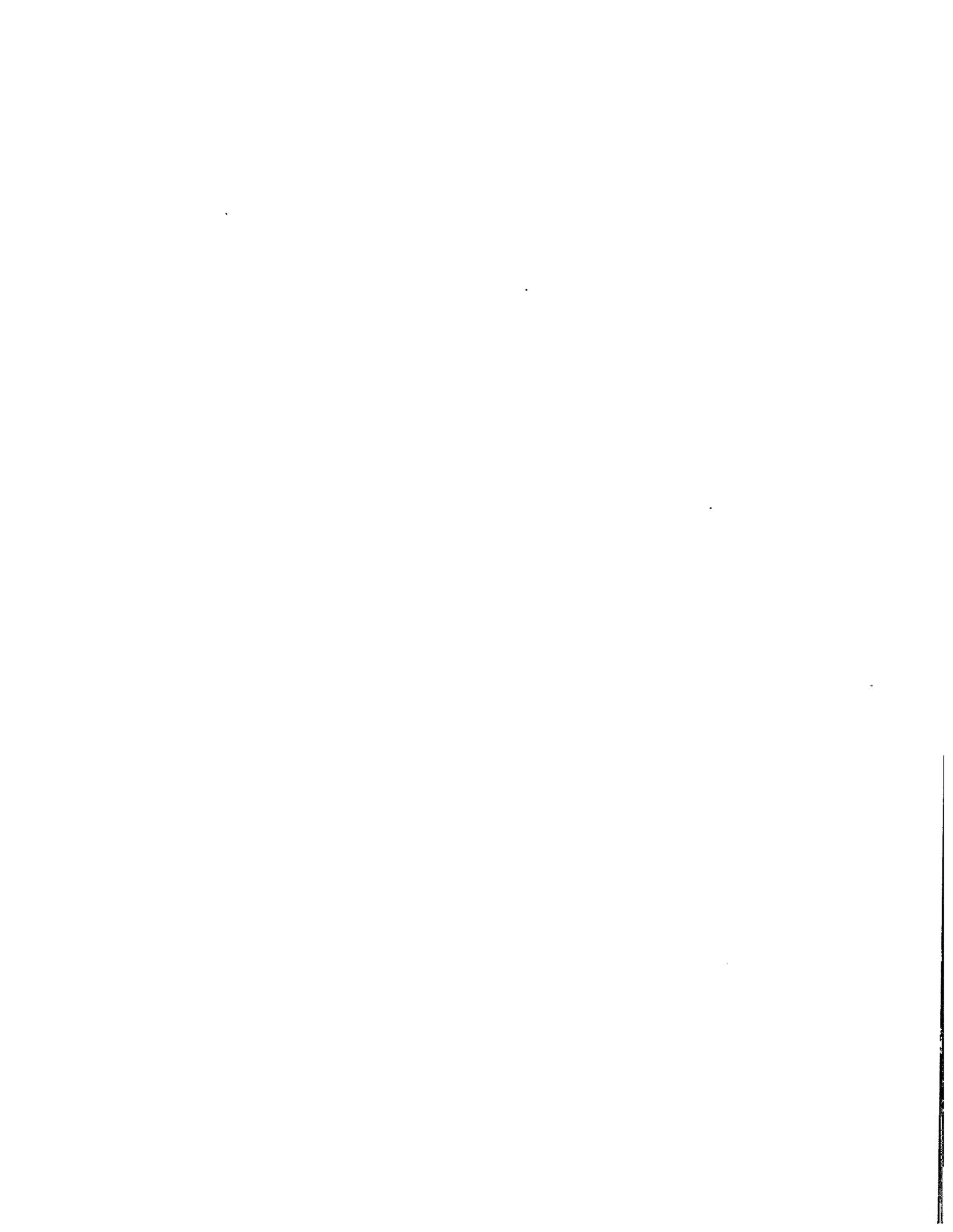
FOIA Ex. 6

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Compensation Received: Paid per arbitration.

Time Involved: Approximately 2 days per annum.

Grants or Contacts Involved: My prospective employer currently is not receiving any EPA grants and holds no contracts with EPA.





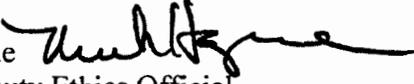
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

APR 11 2012

**MEMORANDUM**

SUBJECT: Request for Approval of Outside Activity

FROM: Mark Hague   
Acting Deputy Ethics Official

TO: [FOIA Ex. 6]  
Chief, Special Emphasis Remedial Section  
Superfund Division

This is in response to your March 27, 2012, written request for approval to work as a Lecturer in the Geosciences Department at the University of [FOIA Ex. 6], in [FOIA Ex. 6]. EPA's Supplemental Standards of Ethical Conduct regulations at 5 C.F.R. § 6401.103(a)(3) requires Government employees to obtain approval from their Deputy Ethics Official before engaging in certain types of outside activities, with or without compensation.

You serve as the Section Chief of the Special Emphasis Remedial Section, Superfund Division. This position consists of managing a team of scientists, engineers, and environmental specialists involved in the characterization and remediation of Superfund sites with a primary focus on mining/lead projects in Kansas and Missouri. Management functions include the oversight of planning funding, setting goals and priorities, assuring the achievement of environmental targets, and reporting information updates to the public, elected officials and other stakeholders. You state that you have no involvement in EPA matters that involve or pertain to any EPA grants or contracts to the University of [FOIA Ex. 6].

In your request, you state that you would be working as a lecturer in the Geosciences Department at the University of [FOIA Ex. 6]. This position involves lecturing, leading field trips, and grading assignments. You would be teaching a two week summer course in May, 2012 titled Environmental Science 310 - Field Experience in Waste Management. The primary focus of this course is to lead students in a field situation and expose them to varying environmental projects and individuals associated with these projects. The course will also involve some amount of lecturing, answering questions, and grading students based on an evaluation of writing assignments and class participation. You will be compensated for the course. The course will be taught during normal business hours so you plan to take annual or some type of approved leave.

Based on the information provided me, I approve this request. You should review the Standards of Ethical Conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. § 2635.702(b), which prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another. Note also that you shall not use or permit the use of your official title or position to identify yourself in connection with teaching except that you may include or permit the inclusion of your title or position as one of several biographical details provided that your title and position is given no more prominence than other significant biographical details. 5 C.F.R. § 2635.807(a)(3)(b).

You cannot represent this outside organization back to the Government on any matter (even on matters that you're not personally working on in your official capacity, or even to non-EPA agencies). Two criminal statutes, 18 U.S.C. §§ 203 and 205, prevent federal employees from representing any outside entity, with or without compensation, back to the federal government, in any matter in which the United States is a party or has an interest. When you participate in matters on behalf of an outside organization with which you are affiliated in your outside capacity, you must be careful to ensure that your participation is on a personal level, not on behalf of EPA, and never to another federal official on behalf of the outside entity. You are not representing EPA in your outside capacity.

In addition, an employee is prohibited by a criminal statute, 18 U.S.C. 208(a), from participating personally and substantially in an official capacity in any particular matter in which she, or any person whose interests are imputed to her under this statute has a financial interest, if the particular matter will have a direct and predictable effect on that interest.

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes; and the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950.

Lastly, you are reminded that under the regulations in Part 2635, you must undertake outside employment activities only on your own time (including duly approved leave), away from EPA premises, and *without* the use of any governmental personnel or government property such as telephones, office supplies, or office machines. Using Government office equipment for commercial purposes or in support of other "for profit" activities such as outside employment or businesses is not a permissible activity under EPA's Policy on Limited Personal Use of Government Office Equipment. <http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/2101-0.pdf> In addition, any leave or credit time which you elect to take must be requested and approved in advance by your supervisor.

This approval to teach at the University of [FOIA Ex. 6], will remain in effect for the duration of the course (May 2012) or for the duration of time that you engage in this particular activity, whichever is shorter. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity. Please also notify me if there are any changes in your EPA job duties that might affect this determination.

Please call Karina Borrromeo, Assistant Deputy Ethics Official, at (913) 551-7675 if you have any questions.

Attachments

cc: Request for Approval of Outside Activity File  
Gene Gunn, Chief, SPEB/SUPR  
Robert Jackson, Deputy Director, SUPR  
Cecilia Tapia, Director, SUPR



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

MAR 27 2012

**MEMORANDUM**

**SUBJECT:** Request for Approval of Outside Activity

**FROM:** FOIA Ex. 6 Ph.D., Chief      FOIA Ex. 6  
SPES/SUPR

**THRU:** Gene Gunn, Chief   
SPEB/SUPR

**TO:** Mark Hague  
Deputy Ethics Official

Karina Borromeo  
Assistant Deputy Ethics Official

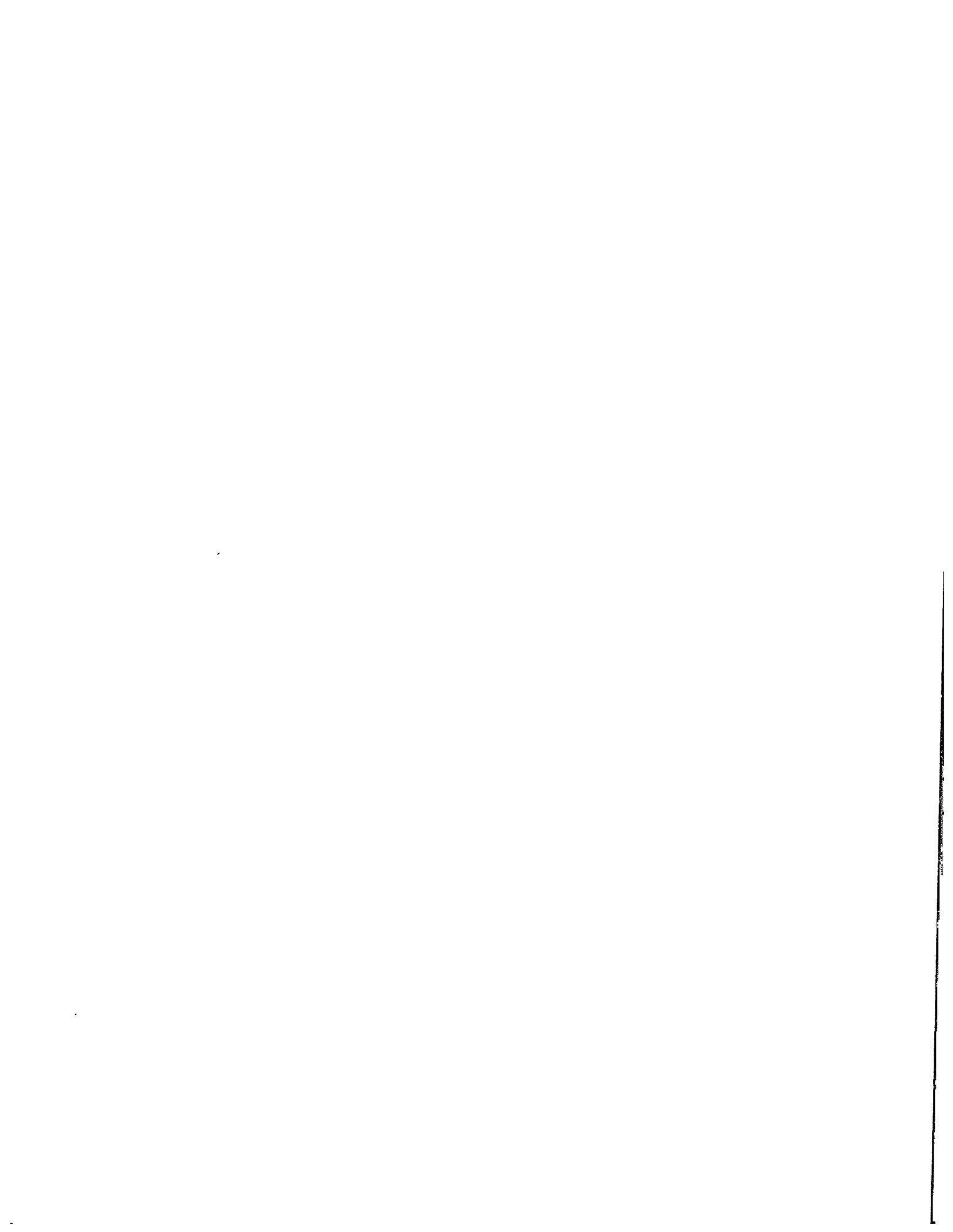
I currently work in the EPA Region 7 Superfund Division as the Section Chief of the Special Emphasis Remedial Section (SPES). This GS-14 supervisory environmental scientist position consists of managing a team of scientists, engineers, and environmental specialists involved in the characterization and remediation of Superfund sites with a primary focus on mining/lead projects in Kansas and Nebraska. Management functions include the oversight of planning funding, setting goals and priorities, assuring the achievement of environmental targets, and reporting information updates to the public, elected officials, and other stakeholders.

My desired outside activity is working as a lecturer in the Geosciences Department at the University of [FOIA Ex. 6]. This position involves lecturing, leading field trips, and grading assignments. I would like to teach a two week summer course in May 2012 titled Environmental Science 310 - Field Experience in Waste Management. The primary focus of this course is to lead students in a field situation and expose them to varying environmental projects and individuals associated with these projects. The course will also involve some amount of lecturing, answering questions, and grading students based on an evaluation of writing assignments and class participation.

This three credit hour course includes a combination of lectures and field trips with a projected compensation of approximately [FOIA Ex. 6] per credit hour ([FOIA Ex. 6] total). The course will be taught during normal duty hours and will thus require approximately 10 days of leave usage. No official duty time, Government property/resources, or facilities not available to the general public will be used in connection with this outside activity. I am familiar with, and will abide by, the restrictions described in 5 CFR Part 2635 and § 6401.102 and am not involved with any grants or contracts with [FOIA Ex. 6].



I was granted permission to teach this same course at [FOIA Ex. 6] in 2011 and hope to teach the course in the summer of 2012. Thank you for considering my outside activity request. Please contact me at extension x[FOIA Ex. 6] if you have any questions or need additional information.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

January 11, 2006

MEMORANDUM

SUBJECT: Request for Approval for Outside Activity FROM:

[FOIA Ex. 6] [FOIA Ex. 6]  
Deputy Regional Counsel

THROUGH: Martha Steincamp *Martha*  
Regional Counsel

TO: William Rice  
Deputy Ethics Official

This is a request for approval of outside activity pursuant to 5 CFR §6401.103 for [FOIA Ex. 6], Deputy Regional Counsel, GS 15. I plan to teach Environmental Law at [FOIA Ex. 6] University. Compensation will be approximately [FOIA Ex. 6] for the 3 hour course for the semester. In order to be on time for class, I will take annual leave or compensatory time for one hour each Tuesday beginning January 17 until the semester concludes on May 9, except for March 14, which is spring break. No official duty time or government property, resources, or facilities not available to the general public will be used in connection with this outside employment. I have read and am familiar with 5 CFR Part 2635 and §6401.102 and will abide by the restrictions described therein. I know of no EPA agreements or contracts held by [FOIA Ex. 6].

Approved: *[Signature]*

Date: *1/19/06*

**Region 2**



United States Environmental Protection Agency

HUMAN RESOURCES > REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

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**REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY**

REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY		<input checked="" type="checkbox"/> INITIAL REQUEST <input type="checkbox"/> REVISED REQUEST <input type="checkbox"/> RENEWAL	
1. NAME (Last, First, Initial) <u>Villatora, Liliara</u>		2. DIVISION/BRANCH <u>ORC-NYCSOP</u>	
3. POSITION TITLE <u>Attorney</u>		4. GRADE AND SALARY <u>GS-14</u>	
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SERVICES WILL BE PERFORMED <u>FOIA Ex. 6 ... com</u>		6. LOCATION WHERE PERFORMED <u>aramus NJ + NYC</u>	
7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.)  <u>Review and negotiate software licensing agreement, <del>she</del> will represent the company as an attorney.</u>			
8. ESTIMATED TIME INVOLVED <u>20-40 hours</u>			
a. PERIOD COVERED FROM <u>March 29/07</u> TO <u>July 31, 2007</u>		b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (If on a continuing basis, give estimated time per year)	
c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS? <input checked="" type="checkbox"/> YES [ ] NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK _____			
9. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY? <input checked="" type="checkbox"/> NO [ ] YES (Describe)			
10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOU OR YOUR ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? <input checked="" type="checkbox"/> NO [ ] YES (Describe)			
11. METHOD OR BASIS OF COMPENSATION <input checked="" type="checkbox"/> FEE [ ] HONORARIUM  [ ] OTHER (Specify) [ ] PER DIEM [ ] PER ANNUM [ ] ROYALTY <input checked="" type="checkbox"/> EXPENSES		12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input checked="" type="checkbox"/> NO [ ] YES (Describe)	
13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED IN 5 CFR PART 2635 AND &#sect; 6401.102.			
14. SIGNATURE OF EMPLOYEE <u>Liliara Villatora</u>		15. DATE <u>3/29/07</u>	16. ADDITIONAL INFORMATION ATTACHED <input checked="" type="checkbox"/> YES [ ] NO
17. DIVISION DIRECTOR APPROVAL			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE

18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL)			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <i>[Signature]</i>	c. TITLE PC	d. DATE 4/1/07
19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.			

EPA REGION 2 FORM R 3120-1 (revised 10/96)

INSTRUCTIONS
<p><b>Item 5 - Self-Employment:</b> If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.</p> <p><b>Item 10 - Federal Grants or Contracts Involved:</b> Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.</p> <p><b>Item 16 - Attachments:</b> Be sure to sign copies of all attachments submitted.</p>
<p><b>ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL</b></p>
<p><b>ITEM 21 - REASON FOR DISAPPROVAL</b></p>

**Region 2**



United States Environmental Protection Agency

HUMAN RESOURCES > REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

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**REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY**

REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY		<input checked="" type="checkbox"/> INITIAL REQUEST <input type="checkbox"/> REVISED REQUEST <input type="checkbox"/> RENEWAL
1. <i>Reddy, Kadori</i>	2. <i>ORC-NSSPB</i>	
3. POSITION TITLE <i>General Attorney</i>	4. GRADE AND SALARY <i>GS 14, Step 4</i>	
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SERVICES WILL BE PERFORMED <i>NYC Civil Court Housing Court Volunteer Lawyers Project</i>	6. LOCATION WHERE SERVICES WILL BE PERFORMED <i>In any of the Housing Court's Resource Centers located in one of the 5 Boroughs.</i>	
7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.) <i>The Housing Court operates a Volunteer Lawyers Project designed to assist pro se litigants. Volunteer lawyers trained by the Project provide legal information and advice to business and tenants who do not have attorneys. Volunteer attorneys do not represent litigants in court proceedings or file papers on their behalf. I anticipate volunteering up to 8 hours per month, on my scheduled flex days.</i>		
8. ESTIMATED TIME INVOLVED <i>9 hrs of training, minimum 12 hrs per year</i>		
a. PERIOD COVERED FROM <i>June 2006</i> TO <i>June 2008</i>	b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (If on a continuing basis, give estimated time per year) <i>up to 96 hrs per year</i>	
c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK _____		
9. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)		
10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOUR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? <input type="checkbox"/> NO <input type="checkbox"/> YES (Describe) <i>I don't know if they have or will seek a grant or contract from a Federal agency.</i>		
11. METHOD OR BASIS OF COMPENSATION <input checked="" type="checkbox"/> NO compensation other than free <input type="checkbox"/> FEE <input type="checkbox"/> HONORARIUM <i>(9) CLE credits in exchange for</i> <input type="checkbox"/> OTHER (Specify) <i>2 hours</i> <input type="checkbox"/> PER DIEM <input type="checkbox"/> PER ANNUM <i>of pro bono service</i> <input type="checkbox"/> ROYALTY <input type="checkbox"/> EXPENSES	12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input type="checkbox"/> NO <input type="checkbox"/> YES (Describe) <i>N/A</i>	
13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED		

IN 5 CFR PART 2635 AND &#sect; 6401.102.			
14. SIGNATURE OF EMPLOYEE <i>Xedau Reddy</i>		15. DATE <i>6/2/06</i>	16. ADDITIONAL INFORMATION ATTACHED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
17. DIVISION DIRECTOR APPROVAL			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL)			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <i>[Signature]</i>	c. TITLE <i>rc</i>	d. DATE <i>6/6/06</i>
19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.			

EPA REGION 2 FORM R 3120-1 (revised 10/96)

INSTRUCTIONS
<p><b>Item 5 - Self-Employment:</b> If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.</p> <p><b>Item 10 - Federal Grants or Contracts Involved:</b> Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.</p> <p><b>Item 16 - Attachments:</b> Be sure to sign copies of all attachments submitted.</p>
<p><b>ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL</b></p>

ITEM 21 - REASON FOR DISAPPROVAL

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Contact: [sommerman.alan@epa.gov](mailto:sommerman.alan@epa.gov)

Created: 04/08/2003 11:58:40 AM -- Last Modified: 3/25/04 3:18:27 PM

*file*

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II**

DATE: *UL 2-3-1988*

SUBJECT: Request for Approval of Outside Activity - [FOIA Ex. 6]

FROM: Eric Schaaf  
Acting Regional Counsel



TO: William J. Muszynski, P.E.  
Deputy Regional Administrator - Deputy Ethics Official

We have reviewed the request for approval of outside activity submitted by [FOIA Ex. 6] of the Division of Enforcement and Compliance Assistance. He seeks approval of his proposed geological consulting work on behalf of the [FOIA Ex. 6] Energy Company of [FOIA Ex. 6]. He will receive a fee for this work, which he indicates bears no relation to any matters assigned to him presently or at any time previously. Our review of the request was made with reference to OGE regulations dealing with impartiality, misuse of position, and outside activities at 5 C. F. R. §2635, Subparts E, G and H, respectively. The request for approval is made necessary by the Agency's supplemental regulation on outside activities, codified at 5 C. F. R. Part 6401, insofar as the activity entails professional work.

Prior to submitting his request to this Office, [FOIA Ex. 6] initially approached Mitchell Cohen of this Office for guidance concerning any ethical considerations that might render his proposed activity inappropriate. Mitch discussed with [FOIA EX. 6] the general prohibitions relating to misuse of public position for personal gain. Mitch also discussed with [FOIA Ex. 6] the heightened scrutiny that would be required if the activity were to involve compensated teaching, speaking or writing on the subject matter of the proposal. [FOIA Ex. 6] indicated that he did not intend for the activity to be undertaken in those forms. (See LAN correspondence attached to the request form.)

[FOIA Ex. 6] is aware of the prohibitions in reference to his official position and misuse of any information he may have acquired in the course of his EPA work that was not intended for public dissemination. He is also reminded that in the unlikely event his outside employer becomes a party to, or can reasonably be expected to become a party to any matter before EPA, he should not participate in such matter without prior consultation with ORC. Finally, he was informed by Mitch about the prohibitions on permitting an appearance of Agency endorsement, or of sanction, of his outside work. Aside from these concerns, there is no apparent conflict of interest with respect to his proposed activity. Accordingly, contingent upon adherence to these caveats, we recommend approval of the request.

REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY		<input type="checkbox"/> INITIAL REQUEST <input checked="" type="checkbox"/> REVISED REQUEST <input type="checkbox"/> RENEWAL	
1. NAME (Last, First, Initial)		2. DIVISION/BRANCH DECA/WCB	
3. POSITION TITLE GEOLOGIST		4. GRADE AND SALARY GS13 \$ 72,538	
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SERVICES WILL BE PERFORMED MICHAEL W PA		6. LOCATION WHERE SERVICES WILL BE PERFORMED RESIDENCE - LAFAYETTE, NJ	
7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.) CONSULTING SERVICE - GEOLOGIC AND ECONOMIC ANALYSIS OF COAL BED METHANE AND OIL AND GAS EXPLORATION PROPERTIES. SERVICES WILL PROVIDE REVIEW OF EXISTING GEOLOGIC DATA PROVIDED AND INVESTMENT RECOMMENDATIONS. WORK WILL BE PERFORMED ON WEEK ENDS AND SOME NIGHTS ( 9:00 PM - 12:30 AM ). PROPERTIES ANALYZED WILL BE OUTSIDE OF REGION 2.			
8. ESTIMATED TIME INVOLVED 10 HOURS / WEEK			
a. PERIOD COVERED FROM PRESENT TO 7 / 2007		b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY-If on a continuing basis, give estimated time per year 100-200 HOURS / YEAR	
c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK _____			
9. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)			
10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOUR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)			
11. METHOD OR BASIS OF COMPENSATION <input checked="" type="checkbox"/> FEE <input type="checkbox"/> HONORARIUM <input type="checkbox"/> OTHER (Specify) <input type="checkbox"/> PER DIEM <input type="checkbox"/> PER ANNUM <input type="checkbox"/> ROYALTY <input type="checkbox"/> EXPENSES		12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)	
13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED IN 5 CFR PART 2635 AND § 6401.102.			
14. SIGNATURE OF EMPLOYEE Charles J. Hillbrand		15. DATE 7/10/98	16. ADDITIONAL INFORMATION ATTACHED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
17. DIVISION DIRECTOR APPROVAL			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE 	c. TITLE Acting Director DECA	d. DATE 7/10/98
18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL)			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE 	c. TITLE DRA	d. DATE 7/23/98
APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.			

## INSTRUCTIONS

**Item 5 - Self-Employment:** If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.

**Item 10 - Federal Grants or Contracts Involved:** Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.

**Item 16 - Attachments:** Be sure to sign copies of all attachments submitted.

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ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL

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ITEM 21 - REASON FOR DISAPPROVAL

**From:** MITCHELL COHEN  
**To:** R2NYC02.R2DECDIV.HILLENBRAND-CHARLES  
**Date:** 7/14/98 12:24pm  
**Subject:** Outside Activity Request

Chip, please address one more question, a question we spoke about. For the record, please indicate whether or not your proposed consulting activity will result in any written work, i.e., written work that is intended for publication. Also, please confirm that the subject matter of the work does not pertain to any current matters in which you are involved officially.  
Thanks.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

*file*

DATE: DEC 15 2003

SUBJECT: Request for Approval of Outside Activity - [FOIA Ex. 6]

FROM: Eric Schaaf  
Deputy Regional Counsel



TO: Kathy Callahan  
Deputy Regional Administrator - Deputy Ethics Official

We have reviewed a request for approval of outside activity submitted to ORC by [FOIA Ex. 6] of the Caribbean Environmental Protection Division. Jose seeks approval to engage in outside employment as a part-time professor in a graduate degree program offered by the Universidad [FOIA Ex. 6], in which he will teach several environmental courses. He will

receive a fee for this teaching assignment. As the subject matter bears some relation to the Agency's programs and operations, formal approval is advisable pursuant to the Agency's supplemental regulation on outside employment at 5 C.F.R. §6401.103 (a).

Notwithstanding the OGE's general regulatory prohibition on teaching, speaking or writing for compensation on subject matter that bears some relation to official duties, compensated teaching is permitted when the course is part of an accredited university's established curriculum, as [FOIA Ex. 6] course is. 5 C.F.R. §2635.807 (a) (3). The request, therefore, presents no problem insofar as approval is concerned. We recommend approval.

**MEMORANDUM**

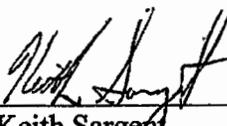
**From:** [FOIA Ex. 6], Economist, GS-13:  
**To:** Al McGartland, Deputy Ethics Official  
**Subject:** Compensation or teaching at [FOIA Ex. 6] College, [FOIA Ex. 6]  
**Date:** July 19, 2004

During the Spring of 2002, I received compensation for teaching a three credit introductory economics course at [FOIA Ex. 6] College, [FOIA Ex. 6]. This work involved only the use of my general training in economics, and there was no substantive overlap with my duties at EPA. Compensation was [FOIA Ex. 6] bi-weekly, totaling [FOIA Ex. 6] for the semester, and my teaching took place outside of my normal duty hours and did not use any government property or resources.

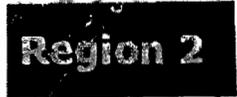
5 CFR part 6401.103 (a) requires prior approval from my Deputy Ethics Official for certain types of outside employment. Although I received verbal approval for my teaching duties from Brett Snyder, my immediate supervisor, I failed to obtain approval from Al McGartland, my DEO.

However, I do not believe that my outside employment fell under 6401.103 since it was not consistent with requirements (a)(1, 3, 4, and 5) and (a) (2) which refers to a profession defined in 5 CFR 2636.305 (b) (1) is so general that it could apply to any activity. In addition, some parts of the code were revised on January 1, 2003 and may not be applicable.

I have read and will abide by the restrictions described in 5 CFR part 2635 (STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH) and Sec. 6401.102. (SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE ENVIRONMENTAL PROTECTION AGENCY).

  
Keith Sargent

7/19/04  
Date



United States Environmental Protection Agency

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HUMAN RESOURCES > REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

**REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY**

- Human Resources
- Grants and Contracts
- Information Systems
- Facilities
- Finance
- Library
- Visitors & Travel
- Organization
- Contacts
- EPA@Work
- QuickPlace
- Site Index

Printer Friendly

[Home]  
Employee Handbook  
Performs Linkage Form

REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY		<input checked="" type="checkbox"/> INITIAL REQUEST <input type="checkbox"/> REVISED REQUEST <input type="checkbox"/> RENEWAL	
1. NAME (Last, First, Initial): <u>FOIA EX 6</u>		2. DIVISION/BRANCH <u>DECA/WCB</u>	
3. POSITION TITLE <u>GEOLOGIST</u>		4. GRADE AND SALARY <u>13/10</u>	
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SERVICES WILL BE PERFORMED		6. LOCATION WHERE SERVICES WILL BE PERFORMED <u>SAME</u>	
7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.)  <u>TEACHING, ENVIRONMENTAL SCIENCE LAB</u> <u>SATURDAY 4 AM - 12 NOON, 3</u>			
8. ESTIMATED TIME INVOLVED <u>SPRING AND FALL SEMESTERS</u>			
a. PERIOD COVERED FROM <u>1/2006</u> TO <u>2018</u>		b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (If on a continuing basis, give estimated time per year) <u>52 DAYS PER YEAR</u>	
c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK			
9. DO YOU OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)			
10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOU OR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? <input type="checkbox"/> NO <input type="checkbox"/> YES (Describe)			
11. METHOD OR BASIS OF COMPENSATION <input checked="" type="checkbox"/> FEE <input type="checkbox"/> HONORARIUM <input type="checkbox"/> OTHER (Specify) <input type="checkbox"/> PER DIEM <input type="checkbox"/> PER ANNUM <input type="checkbox"/> ROYALTY <input type="checkbox"/> EXPENSES		12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)	
13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED IN 5 CFR PART 2635 AND § 6401.102.			
14. SIGNATURE OF EMPLOYEE <u>FOIA EX 6</u>		15. DATE <u>12/21/05</u>	16. ADDITIONAL INFORMATION ATTACHED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
17. DIVISION DIRECTOR APPROVAL			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <u>[Signature]</u>	c. TITLE <u>Director DECA</u>	d. DATE <u>12/27/05</u>
18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL) <u>approved</u> <u>[Signature]</u> <u>RC</u> <u>1/12/06</u>			

**From:** (FOIA ~~etc~~)  
**To:** R2NYC03.R2ORCDIV(COHEN-MITCHELL)  
**Date:** 7/17/98 8:56am  
**Subject:** Outside Activity Request -Reply

No work will be published, and the work does not involve anything I have regulatory control over. Do you have the form I submitted and do I need to modify it?

a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <i>Franklin Callahan</i>	c. TITLE <i>Deputy Reg Admin</i>	d. DATE <i>1/13/06</i>
APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.			

EPA REGION 2 FORM R 3120-1 (revised 10/96)

INSTRUCTIONS
<p><b>Item 5 - Self-Employment:</b> If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.</p> <p><b>Item 10 - Federal Grants or Contracts Involved:</b> Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.</p> <p><b>Item 16 - Attachments:</b> Be sure to sign copies of all attachments submitted.</p>
<p><b>ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL</b></p>
<p><b>ITEM 21 - REASON FOR DISAPPROVAL</b></p>

Contact: [sommerman.alan@epa.gov](mailto:sommerman.alan@epa.gov)  
 Created: 04/08/2003 11:58:40 AM -- Last Modified: 3/25/04 3:18:27 PM



REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

REVISU REQUEST RENEWAL

COPY

1. NAME (Last, First, Initial) <b>FOIA EX 6</b>	2. DIVISION BRANCH <b>CEPD</b>
3. POSITION TITLE <b>DEPUTY DIRECTOR</b>	4. GRADE AND SALARY <b>GS-0819-15 \$93,654.00</b>
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SERVICES WILL BE PERFORMED <b>FOIA EX 6</b> <b>Graduate School for Environmental Science</b>	6. LOCATION WHERE SERVICES WILL BE PERFORMED <b>FOIA EX 6</b>
7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.)  <b>Part-time professor for graduate environmental courses.</b>	

8. ESTIMATED TIME INVOLVED <b>3hrs. per week</b>	
a. PERIOD COVERED FROM <b>08/03</b> TO <b>08/05</b>	b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (If on a continuing basis, give estimated time per year) <b>120 hrs./yr.</b>

c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS?  
 YES |  NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK \_\_\_\_\_

9. DO YOU OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY?  
 NO |  YES (Describe)

10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOUR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY?  
 NO |  YES (Describe)

11. METHOD OR BASIS OF COMPENSATION <input type="checkbox"/> FEE <input checked="" type="checkbox"/> HONORARIUM <input type="checkbox"/> OTHER (Specify) <input type="checkbox"/> PER DIEM <input type="checkbox"/> PER ANNUM <input type="checkbox"/> ROYALTY <input type="checkbox"/> EXPENSES	12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input checked="" type="checkbox"/> NO   <input type="checkbox"/> YES (Describe)
---	--

13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED IN 5 CFR PART 2635 AND § 6401.102.

14. SIGNATURE OF EMPLOYEE <b>FOIA EX 6</b> <b>FOIA EX 6</b>	15. DATE <b>October 27, 2003</b>	16. ADDITIONAL INFORMATION ATTACHED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
--	-------------------------------------	--

17. DIVISION DIRECTOR APPROVAL			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <i>Carl Axel P. Soderberg</i> <b>Carl Axel P. Soderberg</b>	c. TITLE <b>Director, CEPD</b>	d. DATE <b>10/27/03</b>

18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL)			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <i>[Signature]</i>	c. TITLE <b>Deputy Regional Counsel</b>	d. DATE <b>12/12/03</b>

19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <i>[Signature]</i>	c. TITLE <b>Deputy Regional Administrator</b>	d. DATE <b>12/19/03</b>

APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.



## **INSTRUCTIONS**

**Item 5 - Self-Employment:** If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.

**Item 10 - Federal Grants or Contracts Involved:** Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.

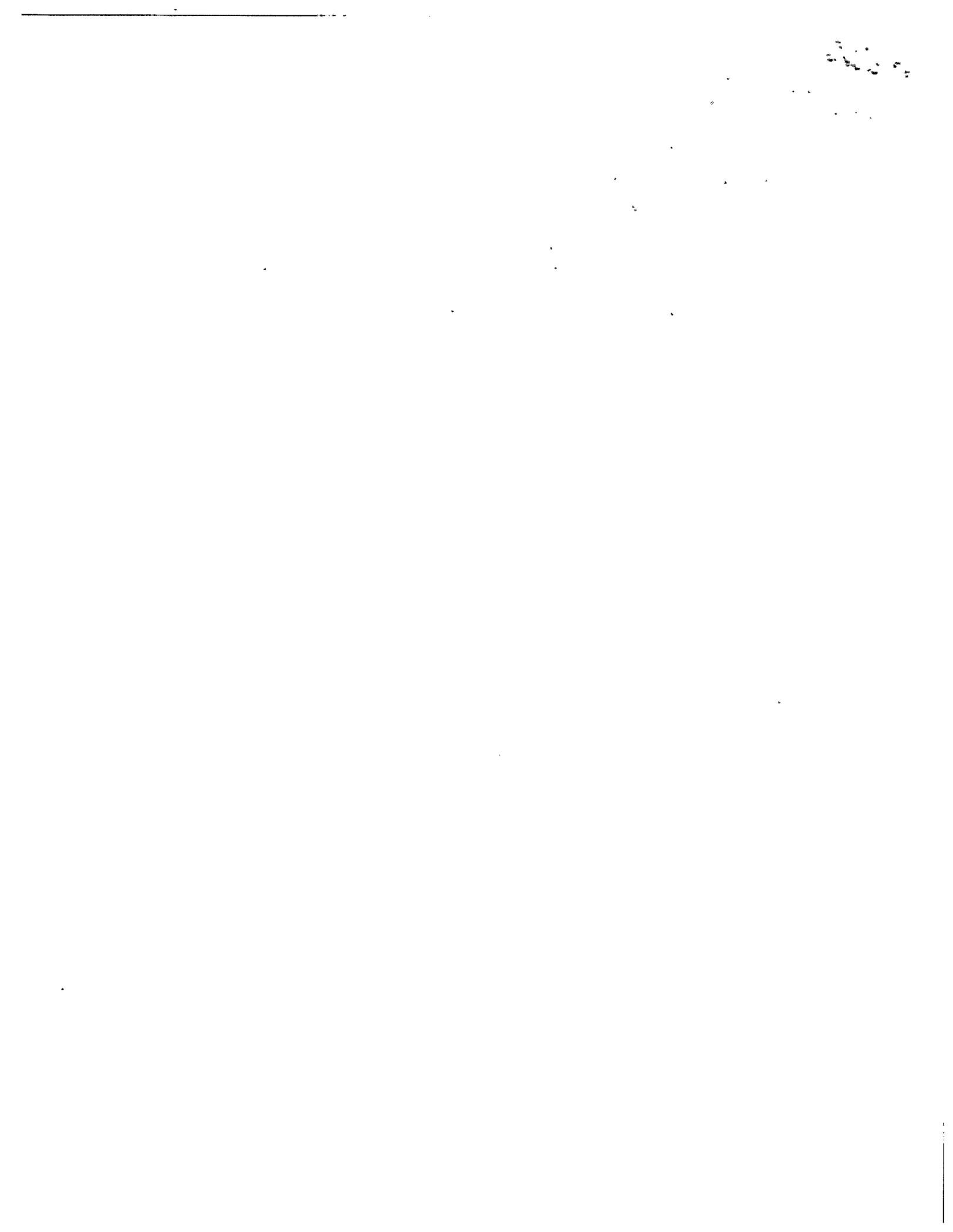
**Item 16 - Attachments:** Be sure to sign copies of all attachments submitted.

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ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL

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ITEM 21 - REASON FOR DISAPPROVAL



**EXG** is the professional organization dedicated to serving grants management needs. We do not comment on policies or directives but rather train on and disseminate final documents to meet our diverse membership's needs.

Collectively, **EXG** members are responsible for the management of billions of dollars in grants and come from Federal, state and local governments; tribal entities; non-profits; commercial organizations, legal and accounting firms; institutions of higher learning and the public. Members rely on **EXG** to obtain valuable grants management information and professional development.

**As a board member;**

I am not involved in the day to day running of the organization. **EXG** has a professional staff to carry out that function. The direction and goals of the organization are provided in **EXG** charter and mission statements that were developed years ago and are still in use today.

I am responsible to help identify and recognize the accomplishments of individuals and organizations that have made significant contributions to the body of knowledge of grants management, have demonstrated leadership in the profession, or have developed innovative polices/operations in the field of grants management and vote on their receipt of an award.

I am responsible for helping to represent the Federal perspective in the planning of training and development opportunities and in the dissemination of grants management information.

I participate in the formulation of plans and vote on activities that assist in connecting professionals in the grants field to improve and unify the grants delivery process by bringing together the professionals involved in this process so that they may learn from each other.

I am responsible for expanding **EXG**'s reach by promoting **EXG**, developing effective strategies to recruit and retain members, and recommend the development of new programs and activities that enhance the value of **EXG** membership.

I recommend and vote on topics and speakers for the Grants Management Luncheon Training Series that promotes excellence in the grants management community.

If at anytime this volunteer function would cause a conflict with my duties at EPA I would reclude my self immediately from participating in the activity at **EXG**. I would also immediately bring the conflict to the attention of the OGD Ethics Official for guidance and direction.





FOIA EX6  
07/21/2004 10:34 AM

To: Al McGartland/DC/USEPA/US@EPA  
cc: Shelley Levitt/DC/USEPA/US@EPA  
Subject: DEO Approval

When I began employment in September of 2003, I made Brett Snyder aware that I was involved in consulting with the USDA Forest Service. I informed him I was in contact with Peggy Love in the Office of General Counsel and kept him in the loop via email and conversation with how this was progressing. Brett did tell me that Al McGartland was the deputy ethics official for my division and that if I had further complications, I could seek Al's help.

From Mrs. Love's email, I was under the impression that I would not violate any federal statutes by completing my contract with the Forest Service, as I had signed the contract prior to my employment with EPA. I was unaware that I needed direct approval from my deputy ethics official before I continued working on the outside consulting project. I will immediately seek to resolve this situation with my deputy ethics official before I move further on this outside project.

FOIA EX6

\*\*\*\*\*

FOIA EX6  
US EPA, NCEE  
1200 Pennsylvania Ave., NW, MC1809T  
Washington, DC 20460  
Phone (202)  
Fax (202) ---  
\*\*\*\*\*



FOIA ex6  
07/21/2004 08:08 AM

To: Al McGartland/DC/USEPA/US@EPA  
cc: Shelley Levitt/DC/USEPA/US@EPA  
Subject: consulting

Hey Al.

Here is a little background on the consulting work I've done with the Forest Service.

I began working on a project as an independent consultant in January 2003 with the USDA Forest Service, Region 10 (Alaska). The project consists of 4 pieces and was for a total of \$ ~~FOIA ex6~~ on the completion of each piece, I submit an invoice for \$: ~~FOIA ex6~~ npleted work on the first two pieces of the contract before my employment at EPA commenced in September 2004. I recently submitted an invoice to the Forest Service for the third piece.

The project does not have a definitive end date, but rather will terminate upon the completion of the fourth piece. I estimate that the project should be completed some time around January 2005.

FOIA ex6

\*\*\*\*\*

FOIA ex6

US EPA, NCEE  
1200 Pennsylvania Ave., NW, MC1809T  
Washington, DC 20460  
Phone  
Fax (202  
\*\*\*\*\*

participate in the activities of the Committee on Women Veterans since these activities are indeed related to my duties at the EPA. One of my major Performance Plan Elements is to "Assist OSDBU with developing an effective, timely, and efficient outreach program to ensure that Minorities, Women, and Service-Disabled Veterans receive information about economic opportunities with the EPA and become active participants in our Agency's programs and activities." As you know, Women Veterans are all of the aforementioned groups, but for obvious reasons they have not been recipients of the same benefits and services as such groups. This is why Congress passed legislation in 1994 authorizing the Department of Veterans Affairs (VA) to establish a Center for Women Veterans, and the Advisory Committee on Women Veterans works hard to ensure that Women Veterans receive the same benefits and services on par with the same groups we service here at OSDBU/EPA.

In this regard, I respectfully request that you reconsider your decision and to grant me administrative leave for this very important activity for Women Veterans and our Country.

Thank you,

Howard Corcoran/DC/USEPA/US



Howard  
Corcoran/DC/USEPA  
/US  
12/12/2005 09:38 AM

To: Kenneth Wernick/DC/USEPA/US@EPA, David  
cc Guerrero/DC/USEPA/US@EPA, Richard  
Kuhlman/DC/USEPA/US@EPA, Marguerite Pridgen  
Subject Ethics Advice

Hi, This responds to your request for advice about your appointment to a Department of Veterans Affairs Advisory Committee on Women Veterans. As you know, EPA's supplemental ethics regulations require employees to obtain approval from their Deputy Ethics Official before engaging in certain outside employment.

I have carefully reviewed the information you submitted to me and am approving your request to serve on the Advisory Committee, provided you comply with the restrictions in 5 U.S.C. Section 5533. Specifically, based on conversations with Ethics Attorneys from the Department of Veterans Affairs, I understand that you will be treated as a Special Government Employee (SGE). Typically, the Department pays a consultant fee, in the amount of \$ per day, to an SGE that sits on one of their Advisory Committees. However, since you continue to be an employee of EPA, you are subject to the prohibition against dual compensation contained in Section 5533. Under the statute, you cannot receive your full EPA salary and also accept the consultant fee. The only way for you to accept the consultant fee would be to attend the Advisory Committee meetings in leave without pay status. Further, should you forego the consultant fee, I cannot grant you administrative leave for this activity because your work with the Advisory Committee does not relate to your duties at EPA.

If you have any questions, please let me know. Thanks, Howard.

Howard Corcoran/DC/USEPA/US



Howard  
Corcoran/DC/USEPA/  
US

12/22/2005 07:47 AM

To \_\_\_\_\_DC/USEPA/US@EPA

David Guerrero/DC/USEPA/US@EPA, Kenneth  
Wernick/DC/USEPA/US@EPA, Marguerite  
cc Pridgen/DC/USEPA/US@EPA, Richard  
Kuhlman/DC/USEPA/US@EPA

Subject Re: Ethics Advice

Hi, \_\_\_\_\_ Per your request, I will take another look at the administrative leave issue. Thanks,  
Howard.

\_\_\_\_\_/DC/USEPA/US



\_\_\_\_\_/DC/USEPA/US

S  
12/19/2005 05:33 PM

To Howard Corcoran/DC/USEPA/US@EPA

cc David Guerrero/DC/USEPA/US@EPA, Kenneth  
Wernick/DC/USEPA/US@EPA, Marguerite  
Pridgen/DC/USEPA/US@EPA, Richard  
Kuhlman/DC/USEPA/US@EPA

Subject Re: Ethics Advice

Howard:

Regarding your response below to my request of November 7, 2005, for your opinion on certain ethics issues relative to my appointment to a Department of \_\_\_\_\_ advisory Committee on Women Issues, I have a few questions and comments:

1. Does the EPA supplemental ethics regulations define an appointment to a Federal government agency advisory committee the same as "outside employment", as you conclude in the first paragraph of your e-mail? Please explain this statement further since I see no semblance in the two activities.
2. Does an appointment of a Federal employee by a Secretary of a Federal Department require official approval of the employee's supervisor(s), since appointments of this nature are a recognition of the employee's skills and contributions in certain fields, and many federal employees serve in various community non-profit organizations to the benefit of society and the country, in general.
3. I understand the dual compensation provisions of the ethics rules, as long as I am an employee of the federal government. I have no intention to apply for leave without pay status in order to receive the consultant fee. This is a no-brainer since my pay per day while on pay status is double that of the consultant fee. My only interest in this issue is to get an official opinion based clearly on the ethics regulations. Further, the consultant fee of \$\_\_\_\_\_ per day does not override my interest to contribute to the mission of the Advisory Committee on Women Veterans.
4. Finally, notwithstanding the consultant fee (it is clear I can not receive dual compensation while a government employee), I believe that you are justified to grant me administrative leave to

Peggy Love  
10/20/2003 04:13 PM

To: *FOIA ex6* /USEPA/US@EPA  
cc: Brett Snyder/DC/USEPA/US@EPA, mbowker@fs.fed.us, Peggy Love/DC/USEPA/US@EPA  
Subject: Re: R10 contract 

After consulting with the Office of Government Ethics, I don't think you would be violating any ethics standards if you were to complete your contract with the Forest Service. You may want to review OGE opinion 99 x 4 for further information. It can be found on the OGE website at:

[http://www.usoge.gov/pages/advisory\\_opinions/advop\\_files/1999/99x4.html](http://www.usoge.gov/pages/advisory_opinions/advop_files/1999/99x4.html)

You should also contact the procurement office to make sure there are no problems under the Federal Acquisitions Regulations (FAR).

Peggy Love  
Attorney (Ethics)  
7454K AR-N  
(202) 564-1784  
Peggy Love

Peggy Love  
10/17/03 10:25 AM

To: *FOIA ex6* /USEPA/US@EPA  
cc: Brett Snyder/DC/USEPA/US@EPA, mbowker@fs.fed.us, Peggy Love/DC/USEPA/US@EPA  
Subject: Re: R10 contract 

I think it will be okay for you to invoice the Forest Service for work you did prior to being employed by EPA.

Peggy Love  
Attorney (Ethics)  
7454K AR-N  
(202) 564-1784  
*FOIA ex6*

*FOIA ex6*  
10/14/03 02:29 PM

To: Peggy Love/DC/USEPA/US@EPA  
cc: Brett Snyder/DC/USEPA/US@EPA, mbowker@fs.fed.us  
Subject: Re: R10 contract 

The contract is between the Forest Service and myself. There is no intermediary; I contact the FS directly. I work with R-10 and also a FS research scientist at the Southern Research Station in Athens, GA. I received an updated copy of the contract, effective this summer, before my hire date with EPA. I have attached a copy of the contract. I can provide you with an official paper copy if necessary.

On a somewhat similar note, I have finally received a purchase order number that will allow me to invoice the FS on work that I completed in July, before I was employed by EPA. I have just received the PO, thus I am late in invoicing the FS. I intend to submit an invoice for this part of the project, but wanted you to be aware that I was doing so. Will my submission of an invoice for work completed before my employment with EPA and receiving the subsequent payment violate any ethics statutes?

Thank you for your help,

\*\*\*\*\*

FOIA ex6  
US EPA, NCEE  
1200 Pennsylvania Ave., NW, MC1809T  
Washington, DC 20460  
(202) FOIA ex6

\*\*\*\*\*



R10-ADV-ASSISTCONTRACTFORSRNSNVUMSTUDY-pha

Peggy Love

Peggy Love  
10/14/03 11:20 AM

To: FOIA ex6 d/DC/USEPA/US@EPA  
cc: Peggy Love/DC/USEPA/US@EPA  
Subject: Re: R10 contract

I have reviewed your E-mail concerning your desire to continue working on a project with the USDA Forest Service Region 10 Alaska and the relevant ethics statutes and regulations. I need some additional information.

Is the contract between you and the Forest Service? Or does someone else have the contract with the Forest Service and you are a subcontractor? Do you deal with the Forest Service one on one, or do you do the work and someone else actually reports back to them? Could I get a copy of the contract?

Thanks.

Peggy Love  
Attorney (Ethics)  
7454K AR-N  
(202) 564-1784  
Jay Harvard

FOIA ex6  
09/29/03 11:14 AM

To: Peggy Love/DC/USEPA/US@EPA  
cc: Brett Snyder/DC/USEPA/US@EPA  
Subject: R10 contract

Mrs. Love,

I hope you had a good weekend in AR. The mountains are refreshing this time of year.

I left you a voice message this morning, but given that my voice mail isn't working, I thought I would also respond by e-mail. Per our conversation on Friday, I wanted to send you a brief look into the situation I am involved in. I was hoping I could send you a draft of what I intend to officially submit and that you would offer some advice. Below is some of the information. Is this what you had in mind? Would you like more detail? I am unfamiliar with this process and would appreciate any advice you could give.

FOIA ex6

US EPA, OPEI, NCEE  
PH-202.1 FIA EXC

I am a new hire to the EPA, with the National Center for Environmental Economics. One project I was involved in before I came on as an employee with the EPA was an individual project with the USDA Forest Service Region 10- Alaska. In January, 2003, I contracted with the Forest Service, through 4 sub-contracts, to aid in estimating recreation activity demand on National Forests in Alaska. I performed these duties on my own time outside of normal business hours and using personal equipment and resources.

My duties at EPA-NCEE involve researching and analyzing economic data; preparing interpretive reports; providing advice and consultation on the benefits and costs of meeting national environmental standards and regulation; economic impact modeling and measures; and analysis of economic incentive mechanisms.

I understand that there is a statute that disallows me representing in front of the Forest Service while an employee of the EPA. However, given that the contract was signed before I was under employ of the Federal government will it be possible to continue my work for the Forest Service. I intend to only use personal resources, including time and equipment, to fulfill my obligation the Forest Service.

Date: July 24, 2008

To: Al McGartland, NCEE

From: [FOIA Ex. 6], NCEE

Purpose: Approval of Outside Employment at [FOIA Ex. 6] University for Fall

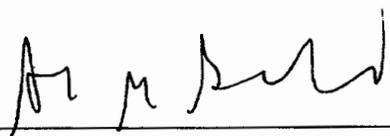
I am seeking approval for outside employment to teach a Masters level class at [FOIA Ex. 6] University for the fall and spring semesters. The classes will consist of providing a supervisory role to students as they design a research project from start to finish that will then serve as their thesis. I will supervise students that have chosen to concentrate their research on an energy or environmental issue. The class will be held on Tuesday evenings.

This year-long (two-semester) course is aimed at preparing Master-level students for a possible future career in academics, where they would be required to initiate and execute original studies on public policy. They are required to conduct original research (with an emphasis on quantitative or empirical aspects) on some particular issue in public policy, and present the results in the form of a paper. The purpose of the course is to successfully use data and multivariate regression methods to analyze a specific, testable question.

The course is divided into two semesters. In the fall semester the students write a research proposal that describes the research question and how they plan to address it. In the spring semester, they will conduct empirical analyses – running initial regressions, interpreting results, performing robustness checks as and when needed (and feasible), drawing policy implications and discussing potential drawbacks of and directions for future research.

Key contact:

[FOIA Ex. 6]

Approval Signature:  \_\_\_\_\_

Date: 7/28/08

(6) I will not use any official duty time or Government property, resources, or facilities not available to the general public in connection with the outside employment, with the exception of de minimis use of my official duty time as noted above, and de minimis use of Government property, resources, or facilities.

(7) I will not receive any compensation for this work.

(8) I have read, am familiar with, and will abide by the restrictions described in 4 CFR part 2635 and section 6401.102.

(9) I am not aware of any EPA assistance agreements or contracts held by the American Bar Association.

Ken Wernick previously approved my participation in the Second Edition of this ABA Handbook.

Thank you.

FOIA EXC





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 National Health and Environmental Effects Research Laboratory  
 Reproductive Toxicology Division  
 Research Triangle Park, NC 27711

OFFICE OF  
 RESEARCH AND DEVELOPMENT

July 6, 2001

**MEMORANDUM**

**SUBJECT:** Request for Approval to Engage in Outside Employment\*  
 or Other Outside Activity

**FROM:** FOIA EXEMPTION U...  
 Deputy Ethics Official for RTD, FOIA EX 6

**TO:** Lawrence W. Reiter (MD-51)  
 Deputy Ethics Official for NHEERL

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and SS 6401.102.

**[Note: Please do not delete or alter the information requested. Completely answer each item—do not answer "N/A"]**

1) Employee's name, title and grade;

FOIA EX 6 Supervisory Research Biologist, GM-401-15

2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected;\*\*

**Nature of Work:**

Serve as Adjunct Associate Professor, Department of Pharmacology and Cancer Biology, EX 6 University, FOIA EX 6 for the period of July 1, 2001 - June 30, 2002.

**Specialty: Toxicology. Duties involve teaching in graduate level toxicology courses and advising graduate students.**

**Compensation: None**

3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);

FOIA EXEMPTION U... University Medical School, FOIA EXEMPTION U...  
 EX 1 Tel: FOIA EX 6 ... FOIA EX 6 ... mail: FOIA EX 6 @ FOIA 611@du

4) The estimated time to be devoted to the activity; (Please indicate exact dates if known)

**Less than 20 hours per year**

5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71);

**0 hours/week outside normal duty hours**

**Less than 10 hours absent from work (i.e., to give lecture)**

6) The basis for compensation (e.g., fee, per diem, per annum, etc.);

**Compensation: None**

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided.

**None**

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an **officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker**. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

## 1) **EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and § 6401.102;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity.

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant

biological details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position*.

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

< FOIA EX-6  
\_\_\_\_\_  
Employee's signature

\_\_\_\_\_  
Date

7/06/01

2)

**DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL

\_\_\_\_\_  


\_\_\_\_\_  
Date

7/14/01

DISAPPROVAL

\_\_\_\_\_

\_\_\_\_\_  
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

**DATE:** July 14, 2000

**SUBJECT:** Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity

**FROM:** FOIA EX 6  
Director, RTD (MD-71) FOIA  
EX 6

**TO:** Lawrence W. Reiter  
Deputy Ethics Official for NHEERL (MD-51)

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

1) Employee's name: FOIA EX 6  
Title and grade: Supv. Research Biologist, GS-401-15

2) Nature of the outside activity, including a full description of the services to be performed:

Serve as a member of the Endocrine Technical Implementation Panel (TIP) on the Long-Range Research Initiative. Responsibilities include providing independent, scientific opinion, judgment and expertise at meetings, conference calls, and any other meeting or forum designed by the FOIA exemption 6 relevant to the LRI. Members are also expected to help develop Requests for Proposals; monitor existing research projects and endeavors; and participate in other research-related activities as needed. Public participants have full voting rights in decisions or matters requiring a vote.

and the amount of compensation to be expected;\*\*

\$ meeting day, \$56 hour for work outside of meeting attendance.

3) The name and business of the person or organization for which the work will be done:

FOIA EXEMPTIONS II: FOIA EXEMPTIONS FOIA EX  
Tel FOIA EXL ; Fax FOIA EXL 00 <http://www.FOIA.EXL.com>

(in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):

N/A

4) The estimated time (hours/days) to be devoted to the activity; (Please indicate exact dates if known.)

August 16, 2000 (Wednesday) is the first meeting. Expect 4 per year.

5) Whether the service will be performed entirely outside of normal duty hours (yes or no) No

(if no, estimate the number of hours of absence from work required; if leave is requested, please provide a copy of approved SF-71);

SF-71 for 9 hours attached for meeting on 8/16/00. All meetings during the week will have SF-71 form approved.

6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.):

Fee/meeting/day and travel expenses

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered—if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.)

None

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an **officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker**. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not,

however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

**\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.**

1) **EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position.*

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does

not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

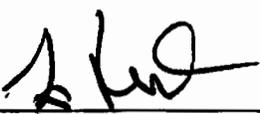
i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

FOIA EXC 6  
\_\_\_\_\_  
Employee's signature

7/14/00  
\_\_\_\_\_  
Date

2)

**DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVED:  DATE: 8/10/00

DISAPPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 National Health and Environmental Effects Research Laboratory  
 Reproductive Toxicology Division  
 Research Triangle Park, NC 27711

OFFICE OF  
 RESEARCH AND DEVELOPMENT

March 29, 2000

**MEMORANDUM**

**SUBJECT:** Request for Approval to Engage in Outside Employment\*  
 or Other Outside Activity

**FROM:** FOIA EXG (MD-71), <sup>FOIA EXG</sup>  
 Deputy Ethics Official for RTD

**TO:** Lawrence W. Reiter (MD-51)  
 Deputy Ethics Official for NHEERL

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and SS 6401.102.

**[Note: Please do not delete or alter the information requested. Completely answer each item—do not answer "N/A"]**

1) Employee's name, title and grade;

FOIA EXG Supervisory Research Biologist, GM-401-15

2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected:\*\*

**Nature of Work:** Serve as Adjunct Assistant Professor, Department of Zoology, UI,  
 FOIA EXG for the period of January 1, 2000 - December 31, 2004.  
**Specialty:** Developmental Toxicology. Duties involve a lecture on occasion.

**Compensation:** None

3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);

FOIA EXG Provost and Vice Chacellor for Academic Affairs and Professor of  
 History, FOIA EXG University, FOIA EXG

4) The estimated time to be devoted to the activity; (Please indicate exact dates if known)

**10 hours per year**

5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71);

**0 hours/week outside normal duty hours**

**4 hours absent from work (i.e., to give lecture)**

6) The basis for compensation (e.g., fee, per diem, per annum, etc.);

**Compensation: None**

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided.

**None**

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an **officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker**. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1) **EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and § 6401.102;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity.

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

**DATE:** April 3, 2002

**SUBJECT:** Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity

**FROM:** FOIA EXEMPTION 6  
Director, RTD (MD-71)  
FOIA 616

**TO:** Lawrence W. Reiter  
Deputy Ethics Official for NHEERL (MD-51)

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

- 1) Employee's name: FOIA EXEMPTION 6  
Title and grade: Supv. Research Biologist, GS-401-15
- 2) Nature of the outside activity, including a full description of the services to be performed:

Serve as the Focus Area Leader (FAL) for "Development and refinement of methods to improve evaluation of potential risks of chemicals to public health and environment." Responsibilities include providing independent, scientific opinion, judgment and expertise at meetings, conference calls, and any other meeting or forum designed by the FOIA EXEMPTION 6. FALs are responsible for developing the LRI Research Strategy and LRI Research Annual Plan for review and approval by the LRI Strategic Science Team and the Board Research Committee. FALs are also

responsible for overseeing the implementation of the LRI Research Strategy and Annual Plan. All FALs have full voting rights in decisions or matters requiring a vote.

and the amount of compensation to be expected;\*\*

<sup>FOIA</sup> § 516 / meeting day, <sup>FOIA</sup> § 516 / hour for work outside of meeting attendance.

3) The name and business of the person or organization for which the work will be done:

FOIA EXEMPTION 6      FOIA EXEMPTION 6  
Tel FOIA EX 6      Fax FOIA EX 6      <http://www.foiaexemption.com>

(in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):

N/A

4) The estimated time (hours/days) to be devoted to the activity; (Please indicate exact dates if known.)

20-24 hours over the next 4 months in preparation for the LRI Research Strategy  
16 hours for the remainder of the year.

5) Whether the service will be performed entirely outside of normal duty hours (yes or no) No

(if no, estimate the number of hours of absence from work required; if leave is requested, please provide a copy of approved SF-71);

All meetings during the week will have SF-71 form approved.

6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.):

Fee/meeting/day and travel expenses

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered—if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.)

None

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an **officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker**. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1) **EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position*.

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: ~~Oct~~ <sup>Nov</sup> 2, 2003  
SUBJECT: Request for Approval to Engage in Outside Employment \*  
or Other Outside Activity  
FROM: FOIA EX 6, Branch Chief  
ETD/PKB (B143-01)  
TO: Larry Reiter  
Deputy Ethics Official for Division (B305-01)

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

- 1) Employee's name, FOIA EX. 6  
title and grade; Supervisory Toxicologist, GM14
- 2) Nature of the outside activity, including a full description of the services to be performed- Adjunct Assistant Professor, Supervise postdoctoral research, direct research for MS and Ph.D. dissertation, serve on doctoral and MS committees, lecture in graduate courses, grade reports and examinations  
  
and the amount of compensation to be expected; \*\* None

---

- 3) The name and business of the person or organization for which the work will be done- Curriculum in Toxicology, The University of  
FOIA EX 6 at FOIA EX 6  
  
(in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months); \_\_\_\_\_

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4) The estimated time (hours/days) to be devoted to the activity; (Please indicate **exact dates** if known.)\_ Appointment is from Sept 1, 2003 to June 30, 2006.

---

5) Whether the service will be performed entirely outside of normal duty hours (yes or no) NO

(if no, estimate the number of hours of absence from work required; if leave is requested, please provide a copy of approved SF-71);

    The majority of time involved will be spent supervising research addressing issues of importance to the Agency.

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6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.);     Not Applicable     

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7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered-if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.)      UNC Co-operative Agreement under which I supervise postdoctoral fellows.

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\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1)

#### EMPLOYEE CERTIFICATION

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my

EPA title is given no more prominence than other significant biological details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and not because of my official position.

g) I certify that the invitation to engage in this activity or the offer of compensation was not extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

FOIA EXEMPTIONS

\_\_\_\_\_  
Employee's signature

11/20/01  
\_\_\_\_\_  
Date

2)

DEPUTY ETHICS OFFICIAL APPROVAL

APPROVAL

\_\_\_\_\_  
*[Signature]*

11/30/09  
\_\_\_\_\_  
Date

DISAPPROVAL

\_\_\_\_\_  
Date

cc: Linda Birnbaum

outsideact  
revised 6/99

1)

**EMPLOYEE CERTIFICATION**

I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the DEO to make an informed decision on this matter. In addition, I certify that I have read 5 CFR Section 2635, "Standards of Ethical Conduct for Employees of the Executive Branch" paying particular attention to Subparts E and H, and I am in compliance with these regulations.

**NOTE:** Some of the important highlights related to outside activities/employment, which are included in these regulations, are noted below:

I understand that:

- a) I cannot represent the EPA nor can I use my official EPA title, except as in a list of biographical information.
- b) I cannot use government resources (facilities, equipment, supplies, personnel, etc) in the conduct or preparation of this outside activity, I must prepare for and perform the work totally on my own time and I cannot provide any materials that are available to me because of my position.

And certify that:

- c) The subject matter of this outside activity does not deal in significant part to any matter to which I have been assigned during the previous year or any ongoing or announced policy, program, or operation of the agency, i.e., I cannot use or provide information that is non-public or for which I have knowledge because of my EPA position.
- d) The invitation to participate in this activity was not extended to me because of my official EPA position.

FOIA EXEMPTION \_\_\_\_\_ 10/22/01  
 Employee's signature Date

2)

**DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL [Signature] 10/29/01  
 Date

DISAPPROVAL \_\_\_\_\_  
 Date

October 15, 2001

FOIA  
EXEMPTION 6

Dear: FOIA EX 6

I am pleased to offer you a part-time .24 FTE fixed-term appointment as Instructor in the Department of Fisheries and Wildlife. This appointment is from December 16, 2001 to March 16, 2002 with a full-time 9-month annual salary rate of \$ EX 6 Reappointments are at the discretion of the Department Head.

Your duties during this time will include: Teaching EX 6 Ecosystem Sustainability and Society during Winter Term 2002.

FOIA EX 6 university has a technology transfer program. When you arrive at EX 6 you will be required to sign an agreement concerning the rights to technology developed during your employment at EX 6. If you would like additional information including faculty rights to a royalty share, contact the Office of Technology Transfer, FOIA EXEMPTION 6

FOIA EX 6

EX 6U has developed a unique new employee orientation web site, "Inside EX 6", at <http://EX 6.edu/FOIA EX 6>. We encourage you to visit the site to find links to both campus and community information. You will find checklists, maps, benefits information, orientation dates, and practical recommendations to help you in your successful transition to EX 6

Sincerely,

FOIA EX 6

Department Head

I accept the offer as outlined in this letter. Return Original and keep the copy for your files.

Employee Name

Date

c: Human Resources



(in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months); \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4) The estimated time (hours/days) to be devoted to the activity; (Please indicate exact dates if known.) \_\_\_\_\_ 2 days  
\_\_\_\_\_  
\_\_\_\_\_

5) Whether the service will be performed entirely outside of normal duty hours (yes or no) \_\_\_\_\_ Yes \_\_\_\_\_

(if no, estimate the number of hours of absence from work required; if leave is requested, please provide a copy of approved SF-71);  
\_\_\_\_\_  
\_\_\_\_\_

6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.); \_\_\_\_\_ N/A \_\_\_\_\_  
\_\_\_\_\_

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered-if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.) \_\_\_\_\_ None known \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1)

#### EMPLOYEE CERTIFICATION

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated.

above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position.*

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

**FOIA EXEMPTION 6**

Employee's signature

Date

1-15-09

2)

**DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL

*D. Zeman*

Date

1-22-09

DISAPPROVAL

Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: October 5th  
SUBJECT: Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity  
FROM: FOIA Ex. 6 . Acting ADH  
IO/NHEERL/ORD  
TO: Hal Zenick, Director, NHEERL  
Deputy Ethics Official for IO (MD B305-01)

THROUGH:

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

[Note: Please do not delete or alter the information requested. Completely answer each item-do not answer "N/A"]

- 1) Employee's name, FOIA Ex. 6 \_\_\_\_\_  
title and grade; Supervisory Research Biologist/GS 15
- 2) Nature of the outside activity, including a full description  
of the services to be performed- Review 2 Program Projects for  
NASA's NSCOR Program  
\_\_\_\_\_  
\_\_\_\_\_

and the amount of compensation to be expected; \*\* Travel Expenses only

- 3) The name and business of the person or organization for which  
the work will be done- NASA Review and Education Support  
Services (Contractor for NASA Reviews)  
\_\_\_\_\_

(in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months); \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4) The estimated time (hours/days) to be devoted to the activity;  
(Please indicate **exact dates** if known.) \_\_\_ November 29 and 30, 2007  
\_\_\_ Total time about 20 hours \_\_\_\_\_  
\_\_\_\_\_

5) Whether the service will be performed entirely outside of normal duty hours (yes or no) \_\_\_ No \_\_\_\_\_

(if no, estimate the number of hours of absence from work required; if leave is requested, please provide a copy of approved SF-71);

\_\_\_\_\_ 18 hours (leave requested) \_\_\_\_\_  
\_\_\_\_\_

6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.); \_\_\_\_\_

\_\_\_\_\_ Travel expenses only \_\_\_\_\_  
\_\_\_\_\_

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered-if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.) \_\_\_\_\_

\_\_\_\_\_ None known \_\_\_\_\_  
\_\_\_\_\_

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\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1)

#### EMPLOYEE CERTIFICATION

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and not because of my official position.

g) I certify that the invitation to engage in this activity or the offer of compensation was not extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

FOIA EX 6  
Employee's signature \_\_\_\_\_ Date 10-5-07

2) **DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL A. Zemel \_\_\_\_\_ Date 10-16-07  
DISAPPROVAL \_\_\_\_\_ Date \_\_\_\_\_



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: April 10<sup>th</sup>, 2007  
SUBJECT: Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity  
FROM: FOIA EX 6 ADH/IO/NHEERL/ORD  
TO: Dr Hal Zenick  
Deputy Ethics Official for Division (MD-B305-01)

THROUGH:

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

[Note: Please do not delete or alter the information requested. Completely answer each item-do not answer "N/A"]

- 1) Employee's name, FOIA EX 6, \_\_\_\_\_  
title and grade; Acting ADH, GS 15 \_\_\_\_\_
- 2) Nature of the outside activity, including a full description of the services to be performed- Adjunct Professor - teaching 3 lectures per year and service on students' thesis committees  
\_\_\_\_\_  
\_\_\_\_\_

and the amount of compensation to be expected; \*\* None \_\_\_\_\_

- 3) The name and business of the person or organization for which the work will be done- Toxicology Department, FOIA EXEMPTION 6  
EX. 6 University \_\_\_\_\_

(in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months); \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4) The estimated time (hours/days) to be devoted to the activity; (Please indicate **exact dates** if known.) About 24 hours per year  
\_\_\_\_\_  
\_\_\_\_\_

5) Whether the service will be performed entirely outside of normal duty hours (yes or no) no

(if no, estimate the number of hours of absence from work required; if leave is requested, please provide a copy of approved SF-71);  
About 18 hours  
\_\_\_\_\_  
\_\_\_\_\_

6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.); N/A  
\_\_\_\_\_

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered-if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.) Co-operative agreement between NCSU and NHEERL for students and postdocs  
\_\_\_\_\_  
\_\_\_\_\_

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an **officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker**. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1)

#### EMPLOYEE CERTIFICATION

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and not because of my official position.

g) I certify that the invitation to engage in this activity or the offer of compensation was not extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

FOIA ex. 6  
Employee signature \_\_\_\_\_ Date 4-13-07

2) **DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL H. Zanch \_\_\_\_\_ Date 6/9/07

DISAPPROVAL \_\_\_\_\_ Date \_\_\_\_\_



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: April 10<sup>th</sup>, 2007  
SUBJECT: Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity  
FROM: FOIA EXEMPTION 6, Acting ADH  
U.S. EPA/NHEERL/IO/ B105-01  
TO: Dr Hal Zenick  
Deputy Ethics Official for Division (MD-B305-01)

THROUGH:

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

[Note: Please do not delete or alter the information requested. Completely answer each item—do not answer "N/A"]

1) Employee's name, FOIA EX. 6  
title and grade; Acting ADH, GS 15

2) Nature of the outside activity, including a full description of the services to be performed—2 lectures every other year

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and the amount of compensation to be expected; \*\* None

3) The name and business of the person or organization for which the work will be done—Integrated Toxicology Program, FOIA EX. 6 University

\_\_\_\_\_  
(in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months); \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4) The estimated time (hours/days) to be devoted to the activity; (Please indicate exact dates if known.) \_\_\_\_\_ 5 hours per year \_\_\_\_\_  
\_\_\_\_\_

5) Whether the service will be performed entirely outside of normal duty hours (yes or no) \_\_\_\_\_ No \_\_\_\_\_

(if no, estimate the number of hours of absence from work required; if leave is requested, please provide a copy of approved SF-71); \_\_\_\_\_ 3 hours

per year \_\_\_\_\_  
\_\_\_\_\_

6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.); \_\_\_\_\_ N/A \_\_\_\_\_  
\_\_\_\_\_

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered-if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.) \_\_\_\_\_ None known \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1)

#### EMPLOYEE CERTIFICATION

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property,

resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and not because of my official position.

g) I certify that the invitation to engage in this activity or the offer of compensation was not extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

FOIA EXEMPTION 6. \_\_\_\_\_ 4-13-07  
Employee's signature Date

2) **DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL A. Zurch \_\_\_\_\_ 4-26-07  
Date

DISAPPROVAL \_\_\_\_\_  
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: January 4<sup>th</sup>, 2007  
SUBJECT: Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity  
FROM: FOIA EXEMPTION 6 Acting ADH  
IO (B105-UJT)  
TO: Harold Zenick  
Deputy Ethics Official for Division (MD-305-01)  
THROUGH: All Line Managers  
Branch/Division (MD-XX)

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

[Note: Please do not delete or alter the information requested. Completely answer each item-do not answer "N/A"]

- 1) Employee's name, FOIA EXEMPTION 6  
title and grade; Supervisory Health Scientist GS15
- 2) Nature of the outside activity, including a full description  
of the services to be performed-  
Review selected published literature on the genotoxicity of  
hair dye products

and the amount of compensation to be expected;\*\* Not known - estimate  
\$ FOIA 616

- 3) The name and business of the person or organization for which

the work will be done- Procter and Gamble- pharamceutical

(in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months); \_\_\_\_\_

4) The estimated time (hours/days) to be devoted to the activity; (Please indicate exact dates if known.) approx 10 hours

5) Whether the service will be performed entirely outside of normal duty hours (yes or no) Yes

(if no, estimate the number of hours of absence from work required; if leave is requested, please provide a copy of approved SF-71); \_\_\_\_\_

6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.); per hour

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered-if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.) \_\_\_\_\_

None

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1)

#### EMPLOYEE CERTIFICATION

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: January 4<sup>th</sup>, 2007  
SUBJECT: Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity  
FROM: FOIA Ex. 6, Acting ADH  
IO (B105-01)  
TO: Harold Zenick  
Deputy Ethics Official for Division (MD-305-01)  
THROUGH: All Line Managers  
Branch/Division (MD-XX)

As required by C.F.R. Title 5 Chapter LIV. Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

[Note: Please do not delete or alter the information requested. Completely answer each item—do not answer "N/A"]

- 1) Employee's name, FOIA EXEMPTION 6  
title and grade; Supervisory Health Scientist GS15
- 2) Nature of the outside activity, including a full description of the services to be performed—  
Review selected published literature on the genotoxicity of hair dye products

and the amount of compensation to be expected; \*\* Not known - estimate  
\$ FOIA EX 6

- 3) The name and business of the person or organization for which

the work will be done- \_\_\_\_\_ Procter and Gamble- pharamceutical \_\_\_\_\_

(in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months); \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4) The estimated time (hours/days) to be devoted to the activity;  
(Please indicate **exact dates** if known.) aprox 10 hours \_\_\_\_\_  
\_\_\_\_\_

5) Whether the service will be performed entirely outside of normal duty hours (yes or no) Yes \_\_\_\_\_

(if no, estimate the number of hours of absence from work required; if leave is requested, please provide a copy of approved SF-71);  
\_\_\_\_\_  
\_\_\_\_\_

6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.); per hour \_\_\_\_\_  
\_\_\_\_\_

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered-if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.) \_\_\_\_\_  
\_\_\_\_\_

None

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an **officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker**. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1)

#### EMPLOYEE CERTIFICATION

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: July 7<sup>th</sup>, 2006  
SUBJECT: Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity  
FROM: FOIA EXEMPTION, Acting Associate Director for Health  
Immediate Office, MD B105-01  
TO: Dr Hal Zenick  
Deputy Ethics Official for Division (MD-B305-01)

THROUGH:

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

[Note: Please do not delete or alter the information requested. Completely answer each item-do not answer "N/A"]

1) Employee's name, FOIA EX. 6  
title and grade; Acting Associate Director for Health, GS15  
10 \_\_\_\_\_

2) Nature of the outside activity, including a full description  
of the services to be performed- Review grants for  
NASA  
\_\_\_\_\_  
\_\_\_\_\_

and the amount of compensation to be expected; \*\* Travel Expenses only  
for 2days in Washington DC  
\_\_\_\_\_

3) The name and business of the person or organization for which



the work will be  
done- NASA

(in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months); \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4) The estimated time (hours/days) to be devoted to the activity;  
(Please indicate exact dates if known.) July 17 and 18, 2006  
18

5) Whether the service will be performed entirely outside of  
normal duty hours (yes or no) YES

(if no, estimate the number of hours of absence from work required; if  
leave is requested, please provide a copy of approved SF-71);  
\_\_\_\_\_  
\_\_\_\_\_

6) The basis for compensation (e.g., fee, per hour, per diem, per annum,  
etc.); Travel Expenses

7) Identification of any assistance agreements or contracts held by the  
person to or for whom services will be provided. (Must be answered-if not  
known by employee, please state so; if agreements or contracts are known,  
indicate the employee's involvement, if any.)

None

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1) **EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

For teaching, speaking or writing, also include the following certifications:

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and not because of my official position.

g) I certify that the invitation to engage in this activity or the offer of compensation was not extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

FOIA EXEMPTIONS  
Employee's signature \_\_\_\_\_ Date 7-7-06

2) DEPUTY ETHICS OFFICIAL APPROVAL

APPROVAL H. Zernich \_\_\_\_\_ Date 7-10-06  
DISAPPROVAL \_\_\_\_\_ Date \_\_\_\_\_



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 NATIONAL HEALTH AND ENVIRONMENTAL EFFECT  
 RESEARCH LABORATORY  
 WESTERN ECOLOGY DIVISION  
 200 S.W. 35<sup>TH</sup> STREET, CORVALLIS, OR. 97333

OFFICE OF  
 RESEARCH AND DEVELOPMENT  
 DATE: June 13, 2005

**SUBJECT:** Request for Approval to Engage in an Outside Activity

**FROM:** *Stb* Environmental Statistician *Stb*  
 Aquatic Monitoring and Bioassessment Branch

**THRU:** Roger Blair  
 AMBB Branch Chief *[Signature]*

Connie M. Hays *C.M. Hays*  
 WED Ethics Advisor *Hays*

**TO:** Thomas D. Fontaine, PhD  
 Deputy Ethics Official

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and SS 6401.102.

- 1) *EX 6* Environmental Statistician, GS-15;
- 2) *EX 6* Courtesy Faculty, Department of Statistics, *EX 6* : Serve as a member of *EX 6* PhD committee initially and then collaborate with faculty and other students in the future. No compensation will be given for this activity;
- 3) Department of Statistics, *EX 6*
- 4) The estimated time to be devoted to the activity; (Please indicate exact dates if known): Less than 10% of my time;
- 5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71): This work will be performed entirely outside of normal duty hours. This will be accomplished using flextime.
- 6) The basis for compensation (e.g., fee, per diem, per annum, etc.): Not Applicable.
- 7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided: The Department of Statistics has a STAR grant from EPA and also has faculty who are principal investigators on a EPA grant (CR831682) funded by AMBB/WED. I have no financial responsibility for the STAR grant. I am the project officer for the other grant.

*EX 6 cannot be either the recommending or approving official on this grant.*

**EMPLOYEE CERTIFICATION**

- a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent to the Deputy Ethics Officer to make an informed decision on this matter.
- b) I certify that I have read, and familiar with, and will abide by the restrictions described in EPA Ethics Advisory 92-1, 92-24 and 93-12.
- c) I certify that I am providing the services described above to promote and enhance the role of EPA in accomplishing its mission.
- d) I certify that in accordance with EPA's policy on participation of professionals in related organizations, I will only accept reasonable amounts of official duty time (Government property, resources, and facilities in connection with this activity).
- e) I certify that there is no change in the nature of the duties or services performed in the nature of my business, I will submit a revised request for approval.
- f) I certify that the conduct of this activity does not present a conflict of interest in the performance of my official duties.
- g) I certify that because I am requesting to perform this activity as part of my official duty using EPA resources and facilities, I will not accept any form of compensation other than my Federal salary for the conduct of this activity.
- h) I certify that I will not participate in any EPA matter which potentially involves this organization.

Employees are prohibited from receiving any form of consideration, remuneration or honorarium, including royalties, given for or in connection with the performance of their official duties. Unless accepted under specific statutory authority, such as 5 U.S.C. 5303, 5 U.S.C. 5304, or an agency's personnel manual, it includes honoraria, gifts, and travel. Where approval in advance of a performance of a duty of government, in advance of any management order, the expense has been incurred.

*[Signature]*  
Date

*[Signature]*  
Date

**DEPUTY ETHICS OFFICER CERTIFICATION**

I certify that in accordance with current guidance from the EPA Office of General Counsel, I have reviewed the resources and means for this activity and that use of official time is justified and in the best interests of the Environmental Protection Agency. Participation in this activity has been added to the employee's performance plan.

*[Signature]* \_\_\_\_\_  
Date

**DEPUTY ETHICS OFFICIAL APPROVAL**

CONTINUE   
  NON-COMPLIANT   
  APPROVED   
  DISAPPROVED

\_\_\_\_\_  
 Date                      Thomas D. L. ...  
 \_\_\_\_\_  
 Date                      WBL Deputy Ethics Officer



*Fontaine*



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL HEALTH AND ENVIRONMENTAL EFFECT  
RESEARCH LABORATORY  
WESTERN ECOLOGY DIVISION  
200 S.W. 35<sup>TH</sup> STREET, CORVALLIS, OR. 97333

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: 1/16/2008

SUBJECT: Request for Approval to Participate in a Scientific or Other Professional Activity as Official Duty  
FROM: *EX 6* Ph.D.  
Ecological Effects Branch *EX 6*  
THRU: David Hammer, Ph.D.  
Ecological Effects Branch Chief *DDA 1/24/08*  
Kathy McBride  
WED Ethics Advisor *Kathy McBride*  
TO: Thomas D. Fontaine, PhD  
Deputy Ethics Official

Consistent with EPA's current policy (memo by former Administrator Lee M. Thomas, dated November 26, 1986) which encourages employees to assume leadership roles in job-related professional societies and associations, I am requesting your approval to participate in the professional activity described below as part of my official duty.

- 1) Employee's name, title and grade; *EX 6* Research Ecologist GS 14
- 2) Position or office to be served, including a full description of the services to be performed; Member of *EX 6* and Chemistry ad-hoc NanoTechnology Working Group
- 3) The name and address of the organization to be served; providing details on the purpose of the organization; The *EX 6* *EX 6* is a worldwide professional society comprised of individuals and institutions engaged in: the study, analysis, and solution of environmental problems, the management and regulation of natural resources, environmental education, research and development *EX 6*; mission is to support the development of principles and practices for protection, enhancement and management of sustainable environmental quality and ecosystem integrity.
- 4) Is this organization a non-profit or not-for-profit organization? Non-profit
- 5) Does this organization have advocacy or financial interests which may be affected by EPA decisions? If so, what is your role in these decisions? *EX 6* is a large-scale professional organization which may have advocacy or financial interests which may be affect by EPA decisions. However, I would solely be on a working group and not have any role in any decisions relating to the EPA.
- 6) The term and dates of service/office; Approximately February 1, 2008 through duration of Working Group.
- 7) The estimated amount of duty hours to be devoted to the activity, including the estimated amount of excused leave requested to participate in this activity; 1 hour per month, no excused leave.
- 8) Describe EPA facilities, equipment, supplies and other resources which will be used in the conduct of this activity; only office equipment and supplies including computer, printer, internet access, telephone.

1) **EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and § 6401.102;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity.

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position*.

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

- 4) The time commitment for Dr. EX 6 is estimated to not exceed thirty hours per year.
- 5) This activity will be performed outside of normal duty hours.
- 6) There is no financial compensation for this activity.
- 7) Dr. EX 6 is unaware of any assistance agreements or contracts presently held by the Division of Marine and Environmental Systems of EX 6.

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an **officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker**. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.



cc: Pam



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

**DATE:** May 28, 1999  
**SUBJECT:** Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity  
**FROM:** EX 6 Supervisory Research Life Scientist  
Branch Chief, Coastal Ecology Branch  
ORD/NHEERL/WED/CEB  
**TO:** Peter Beedlow, Acting Division Director  
Western Ecology Division

*Approved*

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and SS 6401.102.

- 1) Name: EX 6 Supervisory Research Life Scientist, GS-15
- 2) Nature of activity: Adjunct faculty appointment in the Division of Marine and Environmental Systems of: EX 6  
Dr. EX 6 was formerly a Professor in that Department, and the adjunct appointment is to allow Dr. EX 6 to continue to serve on graduate committees of students for whom he was serving as a research advisor.
- 3) Name of Organization:

EXEMPTION 6

Expense Study



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL HEALTH AND ENVIRONMENTAL EFFECTS  
RESEARCH LABORATORY  
WESTERN ECOLOGY DIVISION  
200 S.W. 35TH STREET, CORVALLIS, OR. 97333

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: May 3, 2010

**SUBJECT:** Request for Approval to Engage in Outside Employment\* or Other Outside Activity

**FROM:** Etb Chief, PCEB

**THRU:** Kathy McBride, WED Ethics Advisor

**TO:** Thomas D. Fontaine, PhD  
Deputy Ethics Official

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and SS 6401.102.

1) Employee's name, title and grade:  
Etb Branch Chief, GS -15

2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation\*\* to be expected:  
The I Etb is initiating a major project with Mineral Management Service, a federal agency, dealing with characterization of benthic infaunal communities in soft bottoms and epifaunal communities on hard rock bottoms in areas likely to receive marine renewable energy development off Oregon, Washington, and northern California. Among other methods, it involve multibeam mapping to better provide an assessment of the habitat conditions associated with different types of benthic community. The goal is to provide baseline information on these communities.

The request is to serve on a Scientific Review Group (SRG) that will be utilized to review progress and results of the study and make recommendations to the project team Etb regarding survey effectiveness. It is anticipated that the first meeting of the SRG will be held to evaluate the proposed sampling locations and design outlined in the draft Synthesis and Sampling Report. The SRG will be updated with results of the sampling effort throughout the project, as deemed appropriate by the MMS, and may provide recommendations for sampling changes or further analyses. Recommendations may include changes in directions of field work and/or sample and data analysis or interpretation. A second meeting of the SRG may be held to review the draft Final Report. It is expected that the SRG will provide feedback in the form of written comments to draft reports prior to reaching final publication stages.

3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):  
Principal PI, Etb

- 4) **The estimated time to be devoted to the activity:**  
**Specify the end date of this activity (may not exceed five years):**  
Approximately one meeting, half day or less, per year over the project period of 4 years.
- 5) **Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71):**  
Relatively minimal time involvement overall is anticipated, and initial and final meetings described above can be handled outside of duty hours. No schedule for these meetings has yet been set.
- 6) **The basis for compensation (e.g., fee, per diem, per annum, etc.):**  
No compensation is involved.
- 7) **Identification of any assistance agreements or contracts held by the person to or for whom services will be provided:**  
No EPA assistance agreements with the PI are in place, as far as I am aware.

**\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.**

**\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.**



- 9) Is this organization currently the recipient of an EPA assistance agreement or an EPA contractor? If so, please provide details. Unknown in terms of EX b as a whole.
- 10) Describe the facilities, equipment, supplies and other resources which will be provided by the scientific or professional organization in the conduct of this activity; None
- 11) Will the conduct of this activity require that you attend and participate in business/organizational meetings of this organization? If so, estimate the amount of time required and the frequency of these meetings. Attendance would be at a business meeting at annual meeting of: EX b . Approximately one week would be required for the meeting with attendance depending on EPA Funding and approval.
- 12) Will the conduct of the activity require that you represent this organization before any Federal Agencies? If so, please describe your role in doing so. No
- 13) Will the organization be providing travel expenses to EPA in association with the conduct of this activity? If so, please describe. No.
- 14) Per EPA Ethics Advisory 97-12, employee participation as a member of an editorial board of publication on behalf of professional societies, universities, or other non-profit organizations is typically undertaken as an outside activity. If your request is for this type of participation, please provide a written justification to support undertaking such activity as a part of your official duties. Include impact on resources such as your time and the effect it may have on your programmatic responsibilities. Also include a discussion of the methods used to ensure there was no favoritism involved in the decision to participate in this activity. N/A

Conrad PPT #6



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL HEALTH AND ENVIRONMENTAL EFFECTS  
RESEARCH LABORATORY  
WESTERN ECOLOGY DIVISION  
200 S.W. 35TH STREET, CORVALLIS, OR. 97333

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: February 9, 2004

SUBJ: Request for Approval to Engage in Outside Employment\* or Other Outside Activity  
FROM: 1 EXB  
Risk Characterization Branch  
TO: Thomas D. Fontaine, PhD  
Deputy Ethics Official  
THRU: Anne Fairbrother, PhD, DVM  
Chief, Risk Characterization Branch *A. Fairbrother*

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and SS 6401.102.

- 1) Employee's name, title and grade: *EXB*, Ecologist, GS 14  
2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation\*\* to be expected:

Member of Graduate faculty in Environmental Sciences Program, *EXB* advise students, serve on MS and PhD committees, assist in courses and lectures. assist in undergraduate courses and advising in Environmental Sciences Program, *EXB* / No compensation will be received.

*Courtesy  
Appr.*

- 3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):

Environmental Sciences Program, *EXB*

- 4) The estimated time to be devoted to the activity; (Please indicate exact dates if known):

Ongoing, approximately 5% time during school year

- 5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71):

Services will be performed during normal duty hours.

- 6) The basis for compensation (e.g., fee, per diem, per annum, etc.):



None

- 7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided:

None with me as Project Officer

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

**EMPLOYEE CERTIFICATION**

- a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.
- b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and § 6401.102;
- c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity.
- d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.
- e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking or writing, also include the following certifications:**

- f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position*.
- g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.
- h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.
- i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

*Demetrius M. Albright*  
Employee's Signature

2/16/04  
Date

**DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVED

DISAPPROVED

*[Signature]*  
Signature

2/23/04  
Date

*Concur  
C.M.H.  
2/27/04*



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 NATIONAL HEALTH AND ENVIRONMENTAL EFFECTS  
 RESEARCH LABORATORY  
 WESTERN ECOLOGY DIVISION  
 200 S.W. 35TH STREET, CORVALLIS, OR. 97333

OFFICE OF  
 RESEARCH AND DEVELOPMENT

DATE: February 25, 2013  
 SUBJECT: Request for Approval to Engage in Outside Employment\* or Other Outside Activity  
 FROM: *FOIA EX 6* Research Biologist, Ecological Effects Branch *EX 6*  
 THRU: Paul Mayer, Chief, Ecological Effects Branch *Am*  
 TO: Thomas D. Fontaine, PhD  
 Deputy Ethics Official

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and SS 6401.102.

- 1) Employee's name, title and grade: *EX 6*, Research Biologist, GS-401-15
- 2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation\*\* to be expected: The outside activity involves reviewing a research grant proposal for the *EX 6*. Compensation would be *EX 6* or about *EX 6*. The actual request is attached to this document.
- 3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months): The organization is the *EX 6*.
- 4) The estimated time to be devoted to the activity: I estimate this will take 2-3 hours but will be undertaken entirely as an outside activity on my own time, with no use of government resources.  
Specify the end date of this activity (may not exceed five years): June 30, 2013
- 5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71). This will be undertaken entirely as an outside activity on my own time, with no use of government resources.
- 6) The basis for compensation (e.g., fee, per diem, per annum, etc.): Fee
- 7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided: None





**\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.**

**\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL HEALTH AND ENVIRONMENTAL EFFECTS  
RESEARCH LABORATORY  
WESTERN ECOLOGY DIVISION  
200 S.W. 35TH STREET, CORVALLIS, OR. 97333

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: February 26, 2003

SUBJ: Request for Approval to Engage in Outside Employment\* or Other Outside Activity

FROM: *EX 6* Research Biologist *EX 6*  
Risk Characterization Branch

TO: Thomas D. Fontaine, PhD  
Deputy Ethics Official

THRU: Anne Fairbrother, Chief *A. Fairbrother*  
Risk Characterization Branch

THRU: Connie Hays  
Acquisition Program Manager

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and SS 6401.102.

- 1) Employee's name, title and grade:  
*EX 6* Research Biologist, GS-15
- 2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation\*\* to be expected:  
Courtesy Professor, Forest Science Department,  
Serve on graduate student committees, give occasional guest lectures  
No compensation
- 3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):  
Forest Science Department, *EX 6*
- 4) The estimated time to be devoted to the activity; (Please indicate exact dates if known):  
20-40 hours per year
- 5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71):  
Service will likely be partially outside and partially during normal duty hours. Estimate 10-20 hours per year of absence from work during normal duty hours.

6) The basis for compensation (e.g., fee, per diem, per annum, etc.):

*No compensation*

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided:

*None*

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

**EMPLOYEE CERTIFICATION**

- a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.
- b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and § 6401.102;
- c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity.
- d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.
- e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biographical details.

**For teaching, speaking or writing, also include the following certifications:**

- f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position*.
- g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.
- h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.
- i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

*ETH*  
Employee's Signature \_\_\_\_\_ 2/26/03  
Date

**DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVED

DISAPPROVED

*[Signature]*  
Signature

3/6/03  
Date

*Concur  
C.M. Hays*



Tom: 7/11 - 12/31/10  
Exp. 12/31/10

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**NATIONAL HEALTH AND ENVIRONMENTAL EFFECTS**  
**RESEARCH LABORATORY**  
**WESTERN ECOLOGY DIVISION**  
 200 S.W. 35TH STREET, CORVALLIS, OR. 97333

OFFICE OF  
RESEARCH AND DEVELOPMENT

**DATE:** October 20, 2010

**SUBJECT:** Request for Approval to Engage in Outside Employment\* or Other Outside Activity

**FROM:** Ex 6 Research Biologist, Ecological Effects Branch

**THRU:** David Olszyk, Acting Chief, Ecological Effects Branch DO

**TO:** Thomas D. Fontaine, PhD  
Deputy Ethics Official

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and SS 6401.102.

- 1) Employee's name, title and grade: Ex 6 Research Biologist, GS-401-15
- 2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation\*\* to be expected: The outside activity involves reviewing a scientific report for Ex 6. Compensation would be or about Ex 6. The actual request is attached to this document.
- 3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months): The organization is Ex 6 (see
- 4) The estimated time to be devoted to the activity: I estimate this will take 5-6 hours but will be undertaken entirely as an outside activity on my own time, with no use of government resources.  
Specify the end date of this activity (may not exceed five years): December 31, 2010
- 5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71): This will be undertaken entirely as an outside activity on my own time, with no use of government resources.
- 6) The basis for compensation (e.g., fee, per diem, per annum, etc.): Fee

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided: **None**

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

EMPLOYEE CERTIFICATION

- a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.
b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and § 6401.102;
c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity.
d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.
e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

For teaching, speaking or writing, also include the following certifications:

- f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and not because of my official position.
g) I certify that the invitation to engage in this activity or the offer of compensation was not extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.
h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.
i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

EXB / 2 10/20/10
Employee's Signature / Date

EMPLOYEE SUPERVISOR CERTIFICATION

I certify that, in accordance with current guidance from the EPA Office of General Counsel, I have reviewed the resource requirements for this activity and that use of official time is justified and in the best interests of the Environmental Protection Agency. Participation in this activity has been added to the employee's performance plan.

Supervisor's Signature 10/20/10
Date

DEPUTY ETHICS OFFICIAL APPROVAL

CONCUR [checked] NON-CONCUR APPROVED [checked] DISAPPROVED

Kathy McBride 10/20/10
Kathy McBride Date
WED Ethics Advisor

Thomas D. Fontaine, PhD 10/20/10
Thomas D. Fontaine, PhD Date
WED Deputy Ethics Official

3 Acting DEO

Approved Feb 2013



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL HEALTH AND ENVIRONMENTAL EFFECTS  
RESEARCH LABORATORY  
WESTERN ECOLOGY DIVISION  
200 S.W. 35TH STREET, CORVALLIS, OR. 97333

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: February 5, 2013

SUBJECT: Request for Approval to Engage in Outside Employment\* or Other Outside Activity

FROM: *EX b*, Research Ecologist  
Freshwater Ecology Branch

THRU: Tony Olsen, PhD, Chief *As of 1/10/13*  
Freshwater Ecology Branch

TO: Thomas D. Fontaine, PhD  
Deputy Ethics Official

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and SS 6401.102.

- 1) Employee's name, title and grade. *EX b* ... Research Ecologist, GS-14
- 2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation\*\* to be expected:

*Service as a participant in an *EX b* ... workshop "A standard assessment framework for ecosystem services". The organizer of the *EX b* ... Either *EX b* or *EX b*: university will reimburse me or provide travel expenses including airfare and ground transportation as well as lodging and meals during the course of the workshop and in transit to or from the workshop. I have specifically asked whether any of these funds originate with the Federal government and have been assured that they do not.*

*In addition, the workshop is likely to generate follow on activities, e.g. the development of manuals or manuscripts. I will consult with my branch chief before participating in these follow on activities.*

- 3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):

*EXEMPTION b*



EXEMPTION 6

- 4) The estimated time to be devoted to the activity:

*The initial time devoted will be at a workshop during the week of February 24, 2013. As a result of that workshop additional activities may be identified. As noted above, I will consult with my branch chief to make determinations about participating in these activities.*

Specify the end date of this activity (may not exceed five years):

*Three years from the start terminating by the end of February 2016.*

- 5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71):

*Incidental amounts of work will be done during normal duty hours using USG equipment – computers, email, phone and inbound mail, but not outbound mail. Leave will be requested for participation in the initial workshop and, in consultation with my branch chief, in any subsequent activity requiring substantial amounts of time*

- 5) The basis for compensation (e.g., fee, per diem, per annum, etc.):

*No financial compensation other than travel support and refreshments will be provided. These are described in response to question 2.*

- 7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided:

*Both <sup>at</sup> University and the <sup>at</sup> have had and hves grants and contracts with EPA. However, I have had no role in any of these for at least the past 10 years and expect to have no future role in any of these.*

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

**EMPLOYEE CERTIFICATION**

- a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.
- b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and § 6401.102;
- c) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.
- d) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

**NB: An item in this list of certifications in the original form certifying that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity has been deleted. This follows the practice used when I requested ethics approval to run for the EX 6 in 2004. That guidance came from Ken Wernick EPA's Senior Counsel for Ethics at that time. The amounts of work to be done on government time will be incidental and are described in response to item 5.**

EX 6  
Employee's Signature \_\_\_\_\_ Date 2/5/13

**EMPLOYEE SUPERVISOR CERTIFICATION**

I certify that, in accordance with current guidance from the EPA Office of General Counsel, I have reviewed the resource requirements for this activity and that use of official time is justified and in the best interests of the Environmental Protection Agency. ~~Participation in this activity has been added to the employee's performance plan.~~

\_\_\_\_\_  
Supervisor's Signature \_\_\_\_\_ Date \_\_\_\_\_

**DEPUTY ETHICS OFFICIAL APPROVAL**

CONCUR ✓ NON-CONCUR \_\_\_\_\_ APPROVED \_\_\_\_\_ DISAPPROVED \_\_\_\_\_  
Thomas Connolly 2/5/13 Thomas D. Fontaine, PhD 2/5/13  
WED Ethics Advisor Date Date  
WED Deputy Ethics Official





Expiration Date: Indefinite  
See Council of Res 9/5/07



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL HEALTH AND ENVIRONMENTAL EFFECTS  
RESEARCH LABORATORY  
WESTERN ECOLOGY DIVISION  
200 S.W. 35TH STREET, CORVALLIS, OR. 97333

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: October 24, 2001

SUBJECT: Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity

FROM: EX 6 g. Research Environmental Scientist  
(Name of Employee, Title)  
Pacific Coast Ecology Branch  
(Branch)

TO: Thomas D. Fontaine  
DEO for The Western Ecology Division

THROUGH: Walt Nelson Walt Nelson  
(Branch Chief)  
PCEB  
(Branch)

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Please note: This outside activity was initiated in April 2001 under the belief that it did not fall under this Approval Requirement owing to the fact that (1) the offer of employment was based on the educational background I obtained more than 30 years ago, and not in any way on my past experience or present duties with EPA; (2) there was no credible possibility that, as part of my official duties with EPA, I would ever be required to represent EPA, or otherwise interact as a government scientist, with EX 6. However, in the process of completing the "Requirement to File Confidential Financial Disclosure Report, OGE Form 450" today, I contacted Connie Hayes to inquire if this personal activity unrelated to my EPA position needed to be listed. She advised me that it did, and that I should submit this Request also.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and SS 6401.102.

1) Employee's name, title and grade: EX6  
Research Environmental Scientist  
GS 14

2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation\*\* to be expected:

Evening lecturer at EX6 : in entry-level general science courses independent of my past experience or present duties at EPA. Compensation is approx. EX6 per academic quarter (3 months).

3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):

EX6 Basic education

4) The estimated time to be devoted to the activity; (Please indicate exact dates if known):

- a) Two 3-hour evening lectures per week
- b) Apprx. 4 hours additional preparation time (evenings and weekends)
- c) This activity was initiated in April 2001 and conducted through June 2001 (spring term). Following the summer break, it was continued beginning in September 2001 and is in progress (fall term).

5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71):

**All activities associated with this activity are conducted outside normal duty hours.**

6) The basis for compensation (e.g., fee, per diem, per annum, etc.):

**The compensation is based on a quarter-by quarter appointment.**

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided:

**None**

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an **officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker**. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1) **EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and § 6401.102;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity.

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position.*

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

Exb

\_\_\_\_\_  
(Employee's signature)

10-29-01

\_\_\_\_\_  
(Date)

2) **DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVED:  DISAPPROVED:

James Du Randt  
(Signature)  
K. T. F.

1926/01  
(Date)





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory  
Experimental Toxicology Division  
Research Triangle Park, NC 27711-2055  
Phone 919-541-2656/Fax 919-541-4284

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: January 5, 2001

SUBJECT: Request for Approval to Engage in Outside Employment or Other Outside Activity

FROM: *EX 6* Ph.D. *EX 6*  
Director, ETD (MD-66)

TO: Lawrence W. Reiter  
Director, Health Effects Research Laboratory (MD-51)

THRU: Harold Zenick, Ph.D. *HZ*  
Associate Director For Health (MD-87)

As required by C.F.R. Title 5, Chapter LIV, Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 C.F.R., Part 2635 and § 6401.102.

1) Name/Title/Grade: *EX 6*, Ph.D., Supervisory Biologist/Director, ETD, GS-15

2) Nature of the Outside Activity: To serve as Adjunct Professor, School of Public Health, Curriculum in Toxicology. Amount of compensation would be *EX 6*. Would act as an Advisor to students within the Curriculum on their research projects, as well as present lectures as part of the normal professorial responsibilities.

3) Names and Institution: University *EX 6*

4) Estimated Time to be Devoted to the Activity: Approximately one hour per quarter or four hours per annum

5) Lectures, which are a normal part of the professorial duties, could be performed both within and outside of normal duty hours. The other duties would occur mainly outside normal duty hours.

6) There is no compensation.

7) No assistance agreements or contracts are involved.

**EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and not because of my official position.

g) I certify that the invitation to engage in this activity or the offer of compensation was not extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

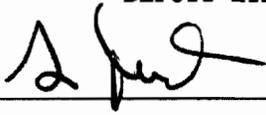
I) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

EX6 \_\_\_\_\_ 1/5/01  
Employee's signature Date

2)

DEPUTY ETHICS OFFICIAL APPROVAL

APPROVAL



3/7/01

Date

DISAPPROVAL

Date

outside act  
revised 6/99



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory  
Experimental Toxicology Division  
Research Triangle Park, NC 27711-2055  
Phone 919-541-2656/Fax 919-541-4284

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: January 5, 2001

SUBJECT: Request for Approval to Engage in Outside Employment or Other Outside Activity

FROM: *EX 6*, Ph.D. *EX 6*  
Director, ETD (MD-66)

TO: Lawrence W. Reiter  
Director, Health Effects Research Laboratory (MD-51)

THRU: Harold Zenick, Ph.D. *H*  
Associate Director For Health (MD-87)

As required by C.F.R. Title 5, Chapter LIV, Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 C.F.R., Part 2635 and § 6401.102.

1) Name/Title/Grade: *EX 6*, Ph.D., Supervisory Biologist/Director, ETD, GS-15

2) Nature of the Outside Activity: To serve as Adjunct Professor, School of Public Health, Department of Environmental Sciences and Engineering. Amount of compensation would be: *EX 6* Would act as an Advisor to students within the Department on their research projects, as well as present lectures as part of the normal professorial responsibilities.

3) Names and Institution: U *EX 6*

4) Estimated Time to be Devoted to the Activity: Approximately one hour per quarter or four hours per annum

5) Lectures, which are a normal part of the professorial duties, could be performed both within and outside of normal duty hours. The other duties would occur mainly outside normal duty hours.

6) There is no compensation.

7) No assistance agreements or contracts are involved.

## EMPLOYEE CERTIFICATION

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position.*

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

EX 6  
\_\_\_\_\_  
Employee's signature

1/5/01  
\_\_\_\_\_  
Date

2)

DEPUTY ETHICS OFFICIAL APPROVAL

APPROVAL

2 feet

3/8/01

Date

DISAPPROVAL

Date

outside act  
revised 6/99



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory  
Experimental Toxicology Division  
Research Triangle Park, NC 27711-2055  
Phone 919-541-2656/Fax 919-541-4284

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: January 5, 2001

SUBJECT: Request for Approval to Engage in Outside Employment or Other Outside Activity

FROM: *EX 6* Ph.D. *EX 6*  
Director, ETD (MD-66)

TO: Lawrence W. Reiter  
Director, Health Effects Research Laboratory (MD-51)

THRU: Harold Zenick, Ph.D. *HZ*  
Associate Director For Health (MD-87)

As required by C.F.R. Title 5, Chapter LIV, Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 C.F.R., Part 2635 and § 6401.102.

1) Name/Title/Grade: *EX 6*, Ph.D., Supervisory Biologist/Director, ETD, GS-15

2) Nature of the Outside Activity: To serve as an Advisor to the Endometriosis Association in my area of expertise. Amount of compensation is *EX 16*

3) Names and Institution: *EX 6*

4) **Estimated Time to be Devoted to the Activity: Approximately one hour per month or twelve hours per annum**

5) **No meetings are required. All requests for help/advice will be done via telephone or email and should occur mainly outside normal duty hours.**

6) **There is no compensation.**

7) **No assistance agreements or contracts are involved.**

**EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and not because of my official position.

g) I certify that the invitation to engage in this activity or the offer of compensation was not extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

I) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

EX 6  
\_\_\_\_\_  
Employee's signature

4/5/01  
\_\_\_\_\_  
Date





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: June 7, 2000

SUBJECT: Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity

FROM: *EX 6* \_\_\_\_\_, Director *- EX 6* ✓  
Experimental Toxicology Division, NHEERL (MD-66)

TO: Lawrence W. Reiter, Director  
Deputy Ethics Official for NHEERL

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

1) Employee's name - *EX 6*  
title and grade - Director of ETD, Grade 15

2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected:

To serve on the Advisory Committee for the Integrated Toxicology Program (ITP) at *EX 6* The role of the Committee is to provide oversight and objective advice for the intellectual vision, academic programs, research foci, and administration of the Program. The committee will meet once annually, in conjunction with the Spring Trainee Symposium and reports to the Director and the Executive Committee. The Committee will also be consulted throughout the year as needed.

No compensation is expected.



1)

**EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position.*

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

Ludas Benin  
Employee's signature

6-9-00  
Date

2)

**DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL J. Fed

6/24/00  
Date

DISAPPROVAL \_\_\_\_\_

\_\_\_\_\_  
Date

3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months).

EX 6

4) The estimated time (hours/days) to be devoted to the activity; (Please indicate exact dates if known.)

The estimated time is less than 8 hours per year.

5) Whether the service will be performed entirely outside of normal duty hours (yes or no) (if no, estimate the number of hours of absence from work required; if leave is requested, please provide a copy of approved SF-71);

No, less than 8 hours per year.

6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.)

None

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered—if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.)

Cooperative Agreement with <sup>EX 6</sup> I am recused from any decisions regarding funding this cooperative agreement.

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL HEALTH & ENVIRONMENTAL EFFECTS RESEARCH LABORATORY  
OFFICE OF RESEARCH AND DEVELOPMENT  
RESEARCH TRIANGLE PARK, NC 27711  
(919) 966-9583  
(919) 966-6212 FAX

**DATE:** 3/10/2008

**SUBJECT:** Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity

**FROM:** *EX 6* Director  
Human Studies Division

*EX 6*

**TO:** Harold Zenick, Ph.D.  
Deputy Ethics Official, NHEERL

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and SS 6401.102.

1) Employee's name, title and grade: *EX 6* Division Director,  
SES/00

2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected; \*\* Issue editor for

*EX 6*

2)

**DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL W Jourd

12/4/98  
Date

DISAPPROVAL \_\_\_\_\_

\_\_\_\_\_  
Date

- 3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months): **Ex b** publisher and the point of contact is **Ex b** Publishing Services Manager, Major Reference Works and **Ex b** Publishing Services Manager.
- 4) The estimated time to be devoted to the activity; (Please indicate exact dates if known) **Work is to be completed by January 2009. Estimated time is two hours of review per paper not to exceed 50 hours for the next 10 months.**
- 5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71); **All review and issue writing work will be done outside normal duty hours. No annual leave will be requested.**
- 6) The basis for compensation (e.g., fee, per diem, per annum, etc.); **The fee is **Ex b** per completed article not to exceed **Ex b** dollars for review work. The issue work is **Ex b** or a one time issue.**
- 7) Identification of an assistance agreements or contracts held by the person to or for whom services will be provided. **Not applicable**

\*Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an **officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker**. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participating in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1) **EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described

in 5 CFR part 2635 and § 6401.102;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity.

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographic information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity is extended to me primarily because of my expertise in this particular subject matter and *not because of my official position*.

g) I certify that the invitation to engage in this activity or the offer of compensation was not extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

Ex 6 \_\_\_\_\_ 10 Mar 2008  
Employee's signature Date

2)

**DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL

H. Zeman

3/14/08

DATE

DISAPPROVAL

\_\_\_\_\_

\_\_\_\_\_

DATE



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: April 11, 2006

SUBJECT: Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity

FROM: *EX 6* PhD, Director  
Human Studies Division (MD 58-A)

TO: Harold Zenick, PhD, Acting Director  
National Health and Environmental Effects Research Laboratory  
Deputy Ethics Official (MD-B305-01)

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

**[Note: Please do not delete or alter the information requested. Completely answer each item—do not answer "N/A"]**

1) Employee's name: *EX 6*  
title and grade: Division Director, SES (0)

2) Nature of the outside activity, including a full description of the services to be performed: preparation of a draft overview chapter on "dietary minerals consumption and health" plus a brief verbal summary on the substance of discussion. In the context of the *EX 6* Expert Meeting on Health Aspects of Calcium and Magnesium in Drinking-Water and preceding public symposium on the same theme, *EX 6* intends to publish a book including the consensus statement arising from the expert consultation and a series of chapters describing the "state of the art" in different aspects of the subject matter. It is understand that the Consultant will attend the symposium and expert meeting. Funds for attendance are not included in the Agreement for Performance of Work.

and the amount of compensation to be expected; \*\* USD\$ *EX 6*

3) The name and business of the person or organization for which the work will be done:  
*EX 6*

(in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months); \_\_\_\_\_  
\_\_\_\_\_

4) The estimated time (hours/days) to be devoted to the activity; (Please indicate exact dates if known.) April 24-28, 2006  
\_\_\_\_\_  
\_\_\_\_\_

5) Whether the service will be performed entirely outside of normal duty hours (yes or no) NO

(if no, estimate the number of hours of absence from work required; if leave is requested, please provide a copy of approved SF-71);  
30  
\_\_\_\_\_  
\_\_\_\_\_

6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.); upon satisfactory completion of work.

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered—if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.) Cooperative Agreement with Agency. No known involvement.  
\_\_\_\_\_  
\_\_\_\_\_

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\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1) **EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biographical details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position*.

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

ET6  
Employee's signature \_\_\_\_\_ Date 4-12-06

2) **DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL A. Zencich 04/17/06  
Date

DISAPPROVAL \_\_\_\_\_  
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: April 11, 2006

SUBJECT: Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity

FROM: EX 6 PhD, Director  
Human Studies Division (MD 58-A)

TO: Harold Zenick, PhD, Acting Director  
National Health and Environmental Effects Research Laboratory  
Deputy Ethics Official (MD-B305-01)

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

**[Note: Please do not delete or alter the information requested. Completely answer each item—do not answer "N/A"]**

- 1) Employee's name: EX 6  
title and grade: Division Director, SES (0)
- 2) Nature of the outside activity, including a full description of the services to be performed: preparation of a draft overview chapter on "dietary minerals consumption and health" plus a brief verbal summary on the substance of discussion. In the context of the EX 6 Expert Meeting on Health Aspects of Calcium and Magnesium in Drinking-water and preceding public symposium on the same theme. EX 6 intends to publish a book including the consensus statement arising from the expert consultation and a series of chapters describing the "state of the art" in different aspects of the subject matter. It is understood that the Consultant will attend the symposium and expert meeting. Funds for attendance are not included in the Agreement for Performance of Work.

and the amount of compensation to be expected; \*\* USD\$

- 3) The name and business of the person or organization for which the work will be done:

EX 6

(in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months); \_\_\_\_\_

4) The estimated time (hours/days) to be devoted to the activity; (Please indicate exact dates if known.) April 24-28, 2006

5) Whether the service will be performed entirely outside of normal duty hours (yes or no) NO

(if no, estimate the number of hours of absence from work required; if leave is requested, please provide a copy of approved SF-71);

30

6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.); upon satisfactory completion of work.

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered—if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.) Cooperative Agreement with Agency. No known involvement

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

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1)

#### EMPLOYEE CERTIFICATION

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.



1)

## EMPLOYEE CERTIFICATION

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- b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;
- c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)
- d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.
- e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

### For teaching, speaking or writing, also include the following certifications:

- f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position.*
- g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.
- h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.
- i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

EXEMPTION b

10-21-03  
Date

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

and the amount of compensation to be expected;\*\* Reimbursed cost of round trip travel, and subsistence. Estimated at \$2,600 dollars for the five day workshop.

3) The name and business of the person or organization for which the work will be done— EXB Regional Advisor EXB  
Water and Sanitation,

(in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months); \_\_\_\_\_

4) The estimated time (hours/days) to be devoted to the activity; (Please indicate exact dates if known.) November 11-November 14. \_\_\_\_\_

5) Whether the service will be performed entirely outside of normal duty hours (yes or no)\_No

(if no, estimate the number of hours of absence from work required; if leave is requested, please provide a copy of approved SF-71);

\_\_\_32 hours of annual leave. Approved leave attached. \_\_\_\_\_

6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.); \_\_\_per diem basis for compensation \_\_\_\_\_

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered—if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.) \_\_\_None \_\_\_\_\_



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: October 22, 2003

SUBJECT: Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity

FROM: EX6, Acting Division Director EX6  
Human Studies Division (MD-58A)

THROUGH: Carolyn Wheeler Carolyn Wheeler  
Assistant to Deputy Ethics Official for NHEERL

TO: Lawrence K Reiter, Ph.D.  
Deputy Ethics Official for NHEERL  
Laboratory Director

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

[Note: Please do not delete or alter the information requested. Completely answer each item—do not answer "N/A"]

- 1) Employee's name, EX6  
title and grade; Acting Division Director, GS-15
- 2) Nature of the outside activity, including a full description of the services to be performed—Dr. EX6 has been asked to participate in an international workshop sponsored by the EX6 on Nutrient Minerals in Drinking Water and Potential Health Consequences of Long Term Consumption of Desalinated and other Low Mineral Content Waters. Dr. EX6 will make a presentation and prepare a book chapter for publication at a later date.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: October 22, 2003

SUBJECT: Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity

FROM: EX 6, Acting Division Director: EX 6  
Human Studies Division (MD-58A)

THROUGH: Carolyn Wheeler *Carolyn Wheeler*  
Assistant to Deputy Ethics Official for NHEERL

TO: Lawrence K Reiter, Ph.D.  
Deputy Ethics Official for NHEERL  
Laboratory Director

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

*[Note: Please do not delete or alter the information requested. Completely answer each item—do not answer "N/A"]*

1) Employee's name, EX 6  
title and grade; Acting Division Director, GS-15

2) Nature of the outside activity, including a full description of the services to be performed—Dr. EX 6 has been asked to participate in an international workshop sponsored by the EX 6 on Nutrient Minerals in Drinking Water and Potential Health Consequences of Long Term Consumption of Desalinated and other Low Mineral Content Waters. Dr. EX 6 will make a presentation and prepare a book chapter for publication at a later date.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and the amount of compensation to be expected; \*\* Reimbursed cost of round trip travel, and subsistence. Estimated at \$ EX 6 US dollars for the five day workshop.

3) The name and business of the person or organization for which the work will be done— EX 6 Regional Advisor' EX 6  
Water and Sanitation,

(in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months); \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4) The estimated time (hours/days) to be devoted to the activity; (Please indicate exact dates if known.) November 11-November 14. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5) Whether the service will be performed entirely outside of normal duty hours (yes or no) No

(if no, estimate the number of hours of absence from work required; if leave is requested, please provide a copy of approved SF-71);  
32 hours of annual leave. Approved leave attached. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.); per diem basis for compensation \_\_\_\_\_  
\_\_\_\_\_

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered—if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.) None \_\_\_\_\_

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**\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.**

**\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.**

1)

## EMPLOYEE CERTIFICATION

- a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.
- b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401:
- c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)
- d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.
- e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking or writing, also include the following certifications:**

- f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position*.
- g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.
- h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.
- i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

Et b

Employee's signature

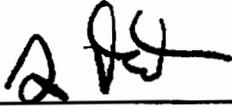
10-21-03

Date

2)

**DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL



10/23/03

Date

DISAPPROVAL

Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: June 15, 2005

SUBJECT: Request for Approval to Engage in Associate Editorship of a  
Scientific Journal (non-profit).

FROM: *EX 6* Acting Director, RTD/NHEERL (MD-72) *EX 6*

TO: Lawrence W. Reiter,  
Deputy Ethics Official for NHEERL (B305-01)

THROUGH: Harold Zenick *HZ*  
Associate Laboratory Director for Health, NHEERL (B105-01)

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity\* described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Note 1:

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and SS 6401.102.

- 1) *EX 6*, Acting Director, RTD, GS-15
- 2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected\*\*

Note 1: This is a revision and renewal of original request filed with Dr. Kavlock dated October, 2003, which covered the first year of service commencing July 1, 2004.

Note 2: According to the footnote below, this may not constitute an "outside activity" based on the first footnote (Outside activity .... "does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.") because these services are performed for a not for profit educational scientific society and do not involve compensation

other than reimbursement to attend an official meeting. Nevertheless, approval is requested as a disclosure.

Nature of Activity. Serves as EX 6 for EX 6 is the premier journal in the field of Reproductive Sciences that is published by the EX 6 a not-for-profit educational society. Associate editors are assigned papers submitted in their areas of expertise, and by accessing an online editorial review program will select reviewers and recommend publication decisions based on the reviews to the Editors-in-Chief. offers "in kind" transportation (equivalent in value to an advanced purchase economy airfare) in order to attend the EX 6 retreat which is held in conjunction with the EX 6 Annual Meeting. Typically this event is held the first morning of the meeting which is on a weekend and does not conflict with normal duty hours or require annual leave. The retreat in 2005 is on Sunday July 24.

3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);

S EX 6 a non-for-profit  
e

4) The estimated time to be devoted to the activity; (Please indicate exact dates if known)

Starting July 1, 2004 for renewable 1 year terms, this activity is expected to take 1-4 hours per week. Dr. EX 6's term has been extended for a second year starting July 1, 2005. This activity entails accessing e-mails and an online manuscript processing system, assigning reviewers via the internet, reading the reviews and making recommendations to the editors-in-chief via this online system. The time-consuming components such as reading submitted manuscripts and reviews will be performed during non-duty hours and by accessing the internet via a personally owned computer and personal ISP. Some correspondence may be accessed briefly from EPA. Associate editors are also asked to attend an editorial office meeting in conjunction with the EX 6 annual meeting (see above).

5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71);

No annual leave is requested.

6) The basis for compensation (e.g., fee, per diem, per annum, etc.)

There is no compensation per se. However, SSR offers Associate Editors transportation "in kind" to attend the annual Associate Editors retreat which is held in conjunction with the SSR annual meeting (see above).

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided.

None

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1) **EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and § 6401.102;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity.

\*See explanation above.

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

For teaching, speaking or writing, also include the following certifications:

f) I certify that the invitation to engage in this activity was extended

to me primarily because of my expertise in this particular subject matter and not because of my official position.

g) I certify that the invitation to engage in this activity or the offer of compensation was not extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

EX 6  
Employee's signature \_\_\_\_\_ Date 6/15/05

2) **DEPUTY ETHICS OFFICIAL APPROVAL**  
APPROVAL [Signature] 7/20/05  
Date  
DISAPPROVAL \_\_\_\_\_  
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: May 8, 2007  
SUBJECT: Request for Approval to Engage in Outside Activity: Co-Editorship of a Scientific Journal (not-for-profit)  
FROM: *Ex 6* Acting Director, RTD/NHEERL (MD/71) *Ex 6*  
THROUGH: Julian Preston Acting Associate Laboratory Director for Health, NHEERL (MD B105-01) *JP*  
TO: Hal Zenick Director, NHEERL (MD B305-01)

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity\* described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and SS 6401.102.

- 1) \_\_\_\_\_, Acting Director, RTD, GS-15
- 2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected\*\*

Nature of Activity: To serve in a voluntary capacity as *Ex 6* \_\_\_\_\_ for *Ex 6* \_\_\_\_\_ is a specialty journal published by the *Ex 6* \_\_\_\_\_, a not-for-profit scientific/educational society. This journal publishes research and review papers dealing with both basic and clinical aspects of Andrology (the study of male reproductive health and fertility). Dr. *Ex 6* \_\_\_\_\_ would serve as the \_\_\_\_\_ who acts on submissions related to basic (as opposed to clinical) studies and environmental research. Two physician editors will act on clinical papers. Editors access submitted papers via an online editorial review program whereby they select reviewers, evaluate the reviews and decide whether to accept the paper for publication. Editors also solicit review articles and oversee regular features of the journal such as letters to the editor. The *Ex 6* \_\_\_\_\_ may provide travel reimbursement for the Editors to attend *Ex 6* \_\_\_\_\_ meetings to present a report to Council, and an annual meeting of the online publisher (Highwire Press) that includes training in the latest software and updates. The Council meetings typically fall on a weekend, but the publisher's meeting may require taking 1-3 days of annual leave.

- 3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);

Et b

4) The estimated time to be devoted to the activity; (Please indicate exact dates if known)

Starting July 1, 2007 for a term of five years, this activity is expected to take <8 hours a week during non-duty hours by accessing the internet via a personally owned computer and personal ISP. Occasionally, correspondence may be accessed briefly from EPA, e.g. during lunchtime as allowable.

5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71);

As described above, regular tasks will be performed outside normal duty hours. Annual leave will be requested for publishers meetings that fall during duty hours (1-3 days a year).

6) The basis for compensation (e.g., fee, per diem, per annum, etc.)

This is a volunteer (unpaid) activity. ASA may provide Editors travel reimbursement to attend a Council or publishers meeting as described above.

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided.

None

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1) **EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and § 6401.102;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity.

\*See explanation above.

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position*.

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

EXB  
Employee's signature \_\_\_\_\_ Date 5/18/07

2) **DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL H. Zurch \_\_\_\_\_ Date 06/01/07

DISAPPROVAL \_\_\_\_\_ Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

**DATE:** May 17, 2007

**SUBJECT:** Request for Approval to Engage in Outside Activity: Participation in Program Project Review at  
EX 6 University

**FROM:** EX 6  
Acting Director, RTD/NHEERL (MD-71)

**THROUGH:** Julian Preston  
Acting Associate Laboratory Director for Health, NHEERL (B120I)

**TO:** Hal Zenick  
Director, NHEERL (B310F)

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity\* described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and SS 6401.102.

EX 6 Acting Director, RTD, GS-15

2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected:\*\*

Based upon my broad expertise in male reproductive health, and not on my role or specific research at EPA, I have been invited to participate in a review of a Program Project entitled 'EX 6 xicology.' This involves my attendance at a one day review meeting where the group's recent research results will be presented and discussed. My participation may help them plan the next phases of their project.

3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);

EX 6

4) The estimated time to be devoted to the activity; (Please indicate exact dates if known)

One day, specifically June 11, 2007.

5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate

the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71);

This review activity is not directly related to my job responsibilities at EPA but the information I will gain from hearing the presentations is relevant to the goals of RTD's research program. Therefore, my participation in this activity provides direct benefit to EPA and I am requesting 8 hours of administrative leave for the purpose of attending and participating in this program review.

6) The basis for compensation (e.g., fee, per diem, per annum, etc.)

McGill University will provide airfare, lodging for the night of June 10, 2007 and meals "in kind" to all out-of-town reviewers.

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided.

None

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1) **EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and § 6401.102;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity.  
\*See explanation above.

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: November 2, 2004  
SUBJECT: Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity  
FROM: EX 6 Toxicologist  
ETD/PKB (B143-01)  
TO: Larry Reiter  
Deputy Ethics Official for Division (B305-01)  
THROUGH: Mike DeVito, Branch Chief MDV  
ETD/PKB (B143-01)

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

- 1) Employee's name, EX 6,  
title and grade; Toxicologist, GS14
- 2) Nature of the outside activity, including a full description of the services to be performed- Adjunct Assistant Professor, Supervise postdoctoral research, direct research for MS and Ph.D. dissertation, serve on doctoral and MS committees, lecture in graduate courses, grade reports and examinations  
  
and the amount of compensation to be expected; \*\* None
- 3) The name and business of the person or organization for which the work will be done- Curriculum in Toxicology, The University of  
EX 6  
(in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated

during the next 6 months); \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4) The estimated time (hours/days) to be devoted to the activity;  
(Please indicate exact dates if known.) Appointment is from Sept  
1, 2003 to June 30, 2006.

5) Whether the service will be performed entirely outside of  
normal duty hours (yes or no) NO

(if no, estimate the number of hours of absence from work required; if  
leave is requested, please provide a copy of approved SF-71);  
     The majority of time involved will be spent supervising research  
addressing issues of importance to the Agency.

6) The basis for compensation (e.g., fee, per hour, per diem, per annum,  
etc.); Not Applicable

7) Identification of any assistance agreements or contracts held by the  
person to or for whom services will be provided. (Must be answered-if not  
known by employee, please state so; if agreements or contracts are known,  
indicate the employee's involvement, if any.)      UNC Co-operative Agreement  
under which I supervise postdoctoral fellows.

\* Employment means any form of non-Federal employment, business relationship, or activity  
involving the provision of personal services by the employee, whether or not for compensation.  
It includes but is not limited to personal services as an officer, director, employee, agent,  
attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes  
writing when done under an arrangement with another person for production or publication of the  
written product. It does not, however, include participation in the activities of a nonprofit  
charitable, religious, professional, social, fraternal, educational, recreational, public  
service, or civic organization, unless activities are for compensation other than reimbursement  
for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties,  
given for or in connection with employee's speaking or writing activities. Unless accepted under  
specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift  
acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by  
purchase of a ticket, by payment, in advance or by reimbursement after the expense has been  
incurred.

1)

#### EMPLOYEE CERTIFICATION

a) I certify that the information contained in this request is complete  
and accurate and that I have provided all the information pertinent for the  
Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the  
restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property,  
resources, or facilities not available to the general public will be used in  
connection with this outside employment/activity (unless otherwise stated  
above.)

d) I certify that if there is a change in the scope of the duties or  
services performed or the nature of my business, I will submit a revised  
request for approval.

e) I certify that I will not represent EPA nor will I use my official

EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and not because of my official position.

g) I certify that the invitation to engage in this activity or the offer of compensation was not extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

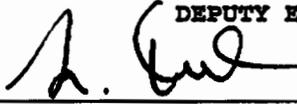
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Employee's signature

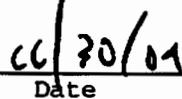
\_\_\_\_\_  
Date

2)

**DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL



  
Date

DISAPPROVAL

\_\_\_\_\_  
Date

cc: Linda Birnbaum

outsideact  
revised 6/99



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 NATIONAL HEALTH AND ENVIRONMENTAL EFFECTS  
 RESEARCH LABORATORY  
 GULF ECOLOGY DIVISION  
 1 SABINE ISLAND DRIVE • GULF BREEZE, FL 32561-5299  
 850-934-9200

January 28, 2008

OFFICE OF  
 RESEARCH AND DEVELOPMENT

**MEMORANDUM**

**SUBJECT:** Request for Approval to Engage in Outside Employment\*  
 or Other Outside Activity

**FROM:** EX 6  
 Director EX 6

**THRU:** Steven F. Hedtke *SFH*  
 Deputy Associate Director for Ecology

**TO:** Hal Zenick  
 Laboratory Director/NHEERL

As required by Title 5 Chapter LIV EPA Supplemental Regulations Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR Standards of Conduct part 2635 and SS 6401.102 of the Supplemental Regulations.

- 1) **Employee's name, title and grade:** EX 6 Director, NHEERL Gulf Ecology Division, ES
- 2) **Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected:** Adjunct Professor appointment in the Department of Pharmacology within the School of Pharmacy at The University of Mississippi. The nature of the outside activity is to serve as a Co-Advisor or as a committee member for graduate students in the Graduate Program. No compensation for the services. Period of appointment: Date of approval through August 31, 2010.
- 3) **The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):** Department of EX 6
- 4) **The estimated time to be devoted to the activity; (Please indicate exact dates if known):** Estimate of no more than five (5) days per year.
- 5) **Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71):** Estimate of no more than five (5) days of Administrative Leave per year.

- 6) **The basis for compensation (e.g., fee, per diem, per annum, etc.):** Travel expenses will be reimbursed.
- 7) **Identification of any assistance agreements or contracts held by the person to or for whom services will be provided:** None.

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an **officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker**. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

**1) EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and § 6401.102;

c) I certify that a minimal amount of official duty time and Government property, resources, or facilities will be used in connection with this outside employment/activity.

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

\_\_\_\_\_  
*EX 6*  
 Employee's signature \_\_\_\_\_ 1.28.08  
 Date

**2) DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL *H Zemel* \_\_\_\_\_ 2-1-08  
 Date

DISAPPROVAL \_\_\_\_\_  
 Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL HEALTH AND ENVIRONMENTAL EFFECTS  
RESEARCH LABORATORY  
GULF ECOLOGY DIVISION  
1 SABINE ISLAND DRIVE • GULF BREEZE, FL 32561-5299  
850-934-9200

January 28, 2008

OFFICE OF  
RESEARCH AND DEVELOPMENT

**MEMORANDUM**

**SUBJECT:** Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity

**FROM:** EX 6  
Director: EX 6

**THRU:** Steven F. Hedtke *SFH*  
Deputy Associate Director for Ecology

**TO:** Hal Zenick  
Laboratory Director/NHEERL

As required by Title 5 Chapter LIV EPA Supplemental Regulations Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR Standards of Conduct part 2635 and SS 6401.102 of the Supplemental Regulations.

- 1) **Employee's name, title and grade:** EX 6 Director, NHEERL Gulf Ecology Division, ES
- 2) **Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected:** Provide consultation services to EX 6 as chair of the Technical Advisory Board. Travel expenses will be reimbursed for the annual meeting. Date of approval through March 31, 2009.
- 3) **The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):** EX 6
- 4) **The estimated time to be devoted to the activity; (Please indicate exact dates if known):** Estimate of no more than five (5) days per year.
- 5) **Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71):** Estimate of no more than five (5) days of Administrative Leave per year.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL HEALTH AND ENVIRONMENTAL EFFECTS  
RESEARCH LABORATORY  
GULF ECOLOGY DIVISION  
1 SABINE ISLAND DRIVE • GULF BREEZE, FL 32561-5299  
850-934-9200

November 2, 2004

OFFICE OF  
RESEARCH AND DEVELOPMENT

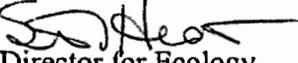
**MEMORANDUM**

**SUBJECT:** Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity

**FROM:**

EX 6  
Director EX 6

**THRU:**

Steven F. Hedtke   
Deputy Associate Director for Ecology

**TO:**

Lawrence W. Reiter  
Laboratory Director/NHEERL

As required by Title 5 Chapter LIV EPA Supplemental Regulations Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR Standards of Conduct part 2635 and SS 6401.102 of the Supplemental Regulations.

- 1) **Employee's name, title and grade:** EX 6 \_\_\_\_\_, Director, NHEERL Gulf Ecology Division
- 2) **Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected:** Provide consultation services to EX 6 \_\_\_\_\_ y as chair of the Technical Advisory Board. Travel expenses will be reimbursed for the annual meeting. Date of approval through December 31, 2007.
- 3) **The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of**

services to be rendered and estimate the number of clients or customers anticipated during the next 6 months): Jacques P.J.

EX 6

- 4) **The estimated time to be devoted to the activity; (Please indicate exact dates if known):** Estimate of no more than five (5) days per year.
- 5) **Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71):** Estimate of no more than five (5) days of Administrative Leave per year.
- 6) **The basis for compensation (e.g., fee, per diem, per annum, etc.):** Travel expenses will be reimbursed.
- 7) **Identification of any assistance agreements or contracts held by the person to or for whom services will be provided:** None.

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL HEALTH AND ENVIRONMENTAL EFFECTS  
RESEARCH LABORATORY  
GULF ECOLOGY DIVISION  
1 SABINE ISLAND DRIVE • GULF BREEZE, FL 32561-5299

September 27, 2000

OFFICE OF  
RESEARCH AND DEVELOPMENT

**MEMORANDUM**

**SUBJECT:** Request for Approval to Engage in Outside Employment or Other Outside Activity

**FROM:** EX 6 Director  
Gulf Ecology Division EX 6

**THRU:** Gilman Veith [Signature]  
Associate Director for Ecology

**TO:** Lawrence W. Reiter, Director  
National Health & Environmental Effects Research Laboratory

As required by Title 5 Chapter LIV EPA Supplemental Regulations Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR Standards of Conduct part 2635 and SS 6401.102 of the Supplemental Regulations.

- 1) **Employee's name, title and grade:** EX 6, Director, Gulf Ecology Division, ES-0401-00/02
- 2) **Nature of outside activity, including a full description of the services to be performed and the amount of compensation to be expected:** Provide consultation services to EX 6 as a member of the Technology Advisory Board. There will be no monetary compensation, however, travel expenses for annual meeting will be reimbursed. I will not represent EPA nor will I use my official EPA affiliation (title) in brochures or materials associated with the Technical Advisory Board. Period of appointment: two (2)

years, subject to renewal, not to exceed four (4) years.

- 3) **The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):** EX 6 Technical Leader of Environmental Toxicology. Technical Advisory Board (TAB) for EX 6
- 4) **The estimated time to be devoted to the activity; (Please indicate exact dates if known):** Annual 1to2 day meeting
- 5) **Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71):**  
Annual Administrative leave will be requested to attend the 1to 2 day annual meeting. All other responsibilities will be outside of normal duty hours.
- 6) **The basis for compensation (e.g., fee, per diem, per annum, etc.):** Only travel expenses will be reimbursed.
- 7) **Identification of any assistance agreements or contracts held by the person to or for whom services will be provided:** Currently there are no assistance agreements or contracts held between the Gulf Ecology Division and EX 6

\*Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an **officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker**. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public services, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

**EMPLOYEE CERTIFICATION**

- a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.
- b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and §6401.102;
- c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity.
- d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.
- e) I certify that I will not represent EPA nor will I use my official EPA affiliation (title) with brochures or materials associated with the Technical Advisory Board.

-----  
*EX 6*  
Employee's signature

10.17.2000  
Date

**DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL *[Signature]*

10/30/00  
Date

*aw*

DISAPPROVAL \_\_\_\_\_

\_\_\_\_\_  
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 NATIONAL HEALTH AND ENVIRONMENTAL EFFECTS  
 RESEARCH LABORATORY  
 GULF ECOLOGY DIVISION  
 1 SABINE ISLAND DRIVE • GULF BREEZE, FL 32561-5299  
 850-934-9200

September 27, 1999

OFFICE OF  
 RESEARCH AND DEVELOPMENT

**MEMORANDUM**

**SUBJECT:** Request for Approval to Engage in Outside Employment\* or Other Outside Activity

**FROM:** EX 6  
 Director

**THRU:** Gilman Veith *[Signature]*  
 Associate Director for Ecology

**TO:** Lawrence W. Reiter  
 Laboratory Director/NHEERL

As required by Title 5 Chapter LIV EPA Supplemental Regulations Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR Standards of Conduct part 2635 and SS 6401.102 of the Supplemental Regulations.

- 1) **Employee's name, title and grade:** EX 6 Director, Gulf Ecology Division, ES-0401- 00/02
- 2) **Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected:** Adjunct Professor appointment in the Department of Pharmacology within the School of Pharmacy at The University of EX 6. The nature of the outside activity is to serve as Co-Advisor or as a committee member for graduate students in the Graduate Program in Pharmacology and Toxicology. No compensation for the services. Period of appointment: Date of approval through September 2, 2004.

SEP 29 1999

1299-9-205

- 3) **The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):** Department of Pharmacology, The University: EX b
- 4) **The estimated time to be devoted to the activity; (Please indicate exact dates if known):** It is anticipated that Dr. EX b will make two (2) trips each year to the campus of The University of EX b to serve in the role of Adjunct Professor. These trips are necessary to complete the degree requirements for those students remaining at the University following Dr. EX b departure in August 1999. Estimated time to be devoted to this activity is approximately 40 hours per year.
- 5) **Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71):** It is anticipated that Dr. EX b will make two (2) trips each year to the campus of The University of EX b to serve in the role of Adjunct Professor. These trips are necessary to complete the degree requirements for those students remaining at the University following Dr. EX b departure in August 1999.
- 6) **The basis for compensation (e.g., fee, per diem, per annum, etc.):** Travel and per diem expenses will be paid by the University of EX b for planned trips.
- 7) **Identification of any assistance agreements or contracts held by the person to or for whom services will be provided:** Currently, there are no assistance agreements or contracts held between the Gulf Ecology Division and the Department of EX b

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an **officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker**. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

## **EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and § 6401.102;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity.

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

### **For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position*.

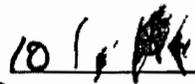
g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

EXB  
Employee's signature \_\_\_\_\_ Date 9.27.99

2) **DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL    
Date

DISAPPROVAL \_\_\_\_\_  
Date \_\_\_\_\_

and the amount of compensation to be expected;\*\* EX b

3) **The name and business of the person or organization for which the work will be done:**  
*Important Notice: The Emoluments Clause of the U.S. Constitution prohibits federal employees from accepting any gift, office, title or emolument, including salary or compensation from any foreign government except as authorized by Congress. Many foreign universities are arms of their government.* EX b

(in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months); N/A

4) **The estimated time (hours/days) to be devoted to the activity; (Please indicate exact dates if known.)** Ten (10) hours per year. Dr. EX b will give an occasional lecture and may advise the graduate students in their research projects.

5) **Whether the service will be performed entirely outside of normal duty hours (yes or no)**  
Lectures are part of normal professional responsibilities and may be performed both within normal duty hours and outside of normal duty hours.

(if no, estimate the number of hours of absence from work required; if leave is requested, please provide a copy of approved SF-71);

---

6) **The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.) and the total amount expected;(your DEO will request this information from you annually.)**  
None

7) **Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered, if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.)**  
Employee is not aware of any contracts or agreements.

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an **officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker**. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 National Health and Environmental Effects Research Laboratory  
 Experimental Toxicology Division  
 109 T.W. Alexander Drive  
 Research Triangle Park, NC 27709  
 Phone 919-541-2656 Fax 919-541-4284

OFFICE OF  
 RESEARCH AND DEVELOPMENT

DATE: March 25, 2008

SUBJECT: Request for Approval to Engage in Outside Employment\*  
 or Other Outside Activity

FROM: EX 6 Division Director  
 Experimental Toxicology Division (MD B143-01)

TO: Harold Zenick, NHEERL Director  
 Deputy Ethics Official for NHEERL (MD B305-01)

THROUGH: Julian Preston, Acting Director of Health  
 Immediate Office, NHEERL (MD B105-01)

*JP* 3-26-08

As required by 5 CFR Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

[Note: Please do not delete or alter the information requested. Answer each item completely. Do not answer 'N/A']

1) Employee's name: EX 6

Title and grade: Division Director, ES-404-00-01

2) Nature of the outside activity, including a full description of the services to be performed: Renewal of EX 6 University from March 28, 2008, for a period of five years

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the U.S.

EX 6  
Employee's signature

3/20/08  
Date

2)

**DEPUTY ETHICS OFFICIAL APPROVAL**

Approval: H. Zernick 3/31/08  
Date

Disapproval: \_\_\_\_\_  
Date

1)

## IMPORTANT--EMPLOYEE CERTIFICATION

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401.

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above for certain non-profit organization activities where I receive no compensation).

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biographical details.

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position*.

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

and the amount of compensation to be expected;\*\* EX b

3) The name and business of the person or organization for which the work will be done:  
*Important Notice: The Emoluments Clause of the U.S. Constitution prohibits federal employees from accepting any gift, office, title or emolument, including salary or compensation from any foreign government except as authorized by Congress. Many foreign universities are arms of their government.* University of EX b

(in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months); N/A

4) The estimated time (hours/days) to be devoted to the activity; (Please indicate exact dates if known.) Ten (10) hours per year. Dr. EX b will give an occasional lecture and may advise the graduate students in their research projects.

5) Whether the service will be performed entirely outside of normal duty hours (yes or no) Lectures are part of normal professional responsibilities and may be performed both within normal duty hours and outside of normal duty hours.

(if no, estimate the number of hours of absence from work required; if leave is requested, please provide a copy of approved SF-71);

---

6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.) and the total amount expected;(your DEO will request this information from you annually.)  
None

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered, if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.)  
Employee is not aware of any contracts or agreements.

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an **officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker**. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 National Health and Environmental Effects Research Laboratory  
 Experimental Toxicology Division  
 109 T.W. Alexander Drive  
 Research Triangle Park, NC 27709  
 Phone 919-541-2656 Fax 919-541-4284

OFFICE OF  
 RESEARCH AND DEVELOPMENT

DATE: March 25, 2008

SUBJECT: Request for Approval to Engage in Outside Employment\*  
 or Other Outside Activity

FROM: EX 6 Division Director  
 Experimental Toxicology Division (MD B143-01)

TO: Harold Zenick, NHEERL Director  
 Deputy Ethics Official for NHEERL (MD B305-01)

THROUGH: Julian Preston, Acting Director of Health J.P. 3-24-08  
 Immediate Office, NHEERL (MD B105-01)

As required by 5 CFR Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

[Note: Please do not delete or alter the information requested. Answer each item completely. Do not answer 'N/A']

1) Employee's name: EX 6

Title and grade: Division Director, ES-404-00-01

2) Nature of the outside activity, including a full description of the services to be performed: Renewal of Adjunct Professor, School of Public Health, Department of Environmental Sciences and Engineering, University of EX 6 from August 1, 2008, for a period of five years

The first part of the document discusses the general principles of the system. It is intended to provide a clear understanding of the basic concepts and objectives. The second part of the document describes the specific components and their functions. This section is crucial for understanding the detailed architecture and implementation of the system.

The third part of the document outlines the operational procedures and protocols. These are designed to ensure the efficient and secure use of the system. The fourth part of the document provides a summary of the key findings and conclusions. This section is essential for understanding the overall impact and future directions of the system.

The fifth part of the document discusses the challenges and limitations of the system. It is important to be aware of these factors to ensure the system is used appropriately. The sixth part of the document provides a detailed analysis of the system's performance and reliability. This section is critical for assessing the system's effectiveness and identifying areas for improvement.

The seventh part of the document describes the future plans and recommendations. These are based on the current findings and are intended to guide the development and deployment of the system. The eighth part of the document provides a final summary and conclusions. This section is essential for understanding the overall results and implications of the system.

The ninth part of the document discusses the legal and ethical considerations of the system. It is important to ensure that the system is used in a responsible and lawful manner. The tenth part of the document provides a detailed overview of the system's history and development. This section is useful for understanding the context and evolution of the system.

The eleventh part of the document describes the system's impact on the community and society. It is important to understand the broader implications of the system. The twelfth part of the document provides a detailed overview of the system's technical specifications. This section is essential for understanding the system's capabilities and limitations.

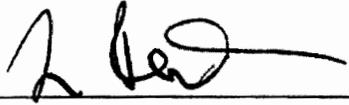
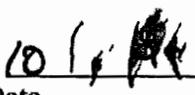
The thirteenth part of the document discusses the system's security and risk management. It is important to ensure that the system is protected from unauthorized access and data loss. The fourteenth part of the document provides a detailed overview of the system's user interface and usability. This section is essential for understanding how the system is used and how it can be improved.

The fifteenth part of the document describes the system's integration with other systems and services. It is important to understand how the system fits into the overall ecosystem. The sixteenth part of the document provides a detailed overview of the system's performance metrics and benchmarks. This section is essential for understanding the system's efficiency and effectiveness.

The seventeenth part of the document discusses the system's future development and updates. It is important to stay up-to-date with the latest advancements in the field. The eighteenth part of the document provides a detailed overview of the system's documentation and support resources. This section is essential for understanding how to get the most out of the system. The nineteenth part of the document provides a final summary and conclusions. This section is essential for understanding the overall results and implications of the system.

EXB \_\_\_\_\_ Date 9.27.99  
Employee's signature

2) **DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL    
Date

DISAPPROVAL \_\_\_\_\_  
Date

1)

**IMPORTANT--EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401.

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above for certain non-profit organization activities where I receive no compensation).

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biographical details.

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position*.

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the U.S.

EX 6  
Employee's signature \_\_\_\_\_ Date 3/20/08

2) **DEPUTY ETHICS OFFICIAL APPROVAL**

Approval: H. Zurch \_\_\_\_\_ 3/3/08  
Date

Disapproval: \_\_\_\_\_  
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory  
Research Triangle Park, NC 27711

OFFICE OF RESEARCH AND DEVELOPMENT

DATE: February 28, 2007

SUBJECT: Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity

FROM: EX 6 (MD B143-01) EX 6  
Director, Environmental Toxicology Division

THRU: Julian Preston (MD 105-01)  
Acting Associate Director for Health, NHEERL

TO: Hal Zenick, Director, NHEERL (MD B305-01)  
Deputy Ethics Official for NHEERL

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

[Note: Please do not delete or alter the information requested. Completely answer each item—do not answer "N/A"]

- 1) Employee's name EX 6  
Title and Grade Supervisory Biologist, ES-0401-00-01

Nature of the outside activity, including a full description of the services to be performed.

Dr. EX 6 will serve as an EX 6 to the EX 6. Her main responsibility will be to review proposals for the EX 6

and the amount of compensation to be expected;\*\* No financial compensation.

- 3) The name and business of the person or organization for which the work will be done- EX 6

(in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);

4) The estimated time (hours/days) to be devoted to the activity; (Please indicate exact dates if known. 10 hours per calendar year)

5) Whether the service will be performed entirely outside of normal duty hours (yes or no) No

(if no, estimate the number of hours of absence from work required; if leave is requested, please provide a copy of approved SF-71);  
10 hours per calendar year

6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.); N/A

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered—if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.) N/A

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an **officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker**. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

## 1) **EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position*.

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

Employee's signature Ex 6      Date 3/6/07

**DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL H. Zenzel      Date 3/14/07

DISAPPROVAL \_\_\_\_\_      Date \_\_\_\_\_





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory  
Experimental Toxicology Division  
MD B143-01  
Research Triangle Park, NC 27711  
Phone: (919)541-2655 Fax: (919)541-4284

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: May 19, 2005

SUBJECT: Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity

FROM: EX 6 Division Director  
Experimental Toxicology Division/IO (B143-01)

TO: Lawrence W. Reiter, Director  
Deputy Ethics Official, NHEERL (MD-B305-01)

THROUGH: Harold Zenick, Associate Director For Health  
NHEERL (MD-B105-01)

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

[Note: Please do not delete or alter the information requested. Completely answer each item-do not answer "N/A"]

- 1) Employee's name, EX 6  
title and grade;  
EX 6 Division Director, ES-0404-00-01
  - 2) Nature of the outside activity, including a full description of the services to be performed  
Based on my term as EX 6 and my expertise in toxicology, I have been invited to Israel. I will meet with students and faculty of the EX 6 School of Environmental Studies, in EX 6 and at EX 6 University. I will also present seminars at both schools and present the key note address at the Porter School's joint conference at EX 6. These talks will focus on general issues of toxicology and environmental health.
- and the amount of compensation to be expected;\*\* I will be reimbursed ONLY for direct travel costs. I will be receiving no honorarium.

restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

For teaching, speaking or writing, also include the following certifications:

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and not because of my official position.

g) I certify that the invitation to engage in this activity or the offer of compensation was not extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

EX 6  
Employee's signature \_\_\_\_\_ Date 5-19-05

2) DEPUTY ETHICS OFFICIAL APPROVAL

APPROVAL 2 [Signature] 5/20/05  
Date

DISAPPROVAL \_\_\_\_\_  
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 National Health and Environmental Effects Research Laboratory  
 Experimental Toxicology Division  
 MD B143-01  
 Research Triangle Park, NC 27711  
 Phone: (919)541-2655 Fax (919)541-4284

OFFICE OF  
 RESEARCH AND DEVELOPMENT

**DATE:** November 17, 2003  
**SUBJECT:** Request for Approval to Engage in Outside Employment\*  
 or Other Outside Activity  
**FROM:** *EX6* Division Director  
 Experimental Toxicology Division/IO (B143-01)  
**TO:** Lawrence W. Reiter  
 Deputy Ethics Official for Division (MD-B305-01)  
**THROUGH:** Harold Zenick, Associate Director For Health *hpl for HZ*  
 NHEERL (MD-B105-01)

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

**[Note: Please do not delete or alter the information requested. Completely answer each item-do not answer "N/A"]**

- 1) Employee's name, title and grade;  
*EX6* Division Director, ES-0404-00-01
- 2) Nature of the outside activity, including a full description of the services to be performed  
*EX6* \_\_\_\_\_ of \_\_\_\_\_
- and the amount of compensation to be expected;\*\* \$0.00
- 3) The name and business of the person or organization for which the work will be done  
University of North Carolina; POC: Louise Ball/Rebecca Lloyd  
 (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);
- 4) The estimated time (hours/days) to be devoted to the activity;  
 (Please indicate **exact dates** if known.) \_\_\_\_\_

above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position.*

g) I certify that the invitation to engage in this activity or the offer of compensation was not extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

EX 6  
Employee's sig

MAY 18 2004  
Date

2) **DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL Stewart H. ...

5/26/04  
Date

DISAPPROVAL \_\_\_\_\_

\_\_\_\_\_  
Date

outsideact

Two (2) hours per year. Dr. <sup>66</sup> will give an occasional lecture and may advise the graduate students in their research projects.

5) Whether the service will be performed entirely outside of normal duty hours (yes or no)  
Lectures are part of normal professional responsibilities and may be performed both within normal duty hours and outside of normal duty hours.

(if no, estimate the number of hours of absence from work required; if leave is requested, please provide a copy of approved SF-71);  
\_\_\_\_\_  
\_\_\_\_\_

6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.);  
\_\_\_\_\_  
\_\_\_\_\_

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered-if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.)

No assistance agreements or contracts are involved.

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an **officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker**. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1)

#### **EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and not because of my official position.

g) I certify that the invitation to engage in this activity or the offer of compensation was not extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

EX 6

11/25/03

Date

2)

**DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL

*Laura Lee*

12/8/03

Date

DISAPPROVAL

Date



3) The name and business of the person or organization for which the work will be done.

EXEMPTION b

(in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);

4) The estimated time (hours/days) to be devoted to the activity; (Please indicate exact dates if known.) Four days

5) Whether the service will be performed entirely outside of normal duty hours (yes or no)

Yes.

(if no, estimate the number of hours of absence from work required; if leave is requested, please provide a copy of approved SF-71); Meetings requiring travel are not anticipated. If travel is required, reimbursement for expenses will be paid.

6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.);

Travel and accommodation expenses and 225 euros per day (to cover meals and incidentals).

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered-if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.)

No assistance agreements or contracts are involved.

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1)

#### EMPLOYEE CERTIFICATION

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position.*

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

EX6  
Employee's Signature \_\_\_\_\_ Date 7/8/05

2) **DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL J. [Signature] \_\_\_\_\_ Date 8/19/05

DISAPPROVAL \_\_\_\_\_ Date \_\_\_\_\_

outsideact  
revised 6/99



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 National Health and Environmental Effects Research Laboratory  
 Experimental Toxicology Division  
 MD B143-01  
 Research Triangle Park, NC 27711  
 Phone: (919)541-2655 Fax: (919)541-4284

OFFICE OF  
 RESEARCH AND DEVELOPMENT

**DATE:** October 31, 2003

**SUBJECT:** Request for Approval to Engage in Outside Employment\*  
 or Other Outside Activity

**FROM:** *EX6*, Division Director  
 Experimental Toxicology Division/IO (B143-01)

**TO:** Lawrence W. Reiter  
 Deputy Ethics Official, NHEERL (MD-B305-01)

**THROUGH:** Harold Zenick, Associate Director For Health *hy*  
 NHEERL (MD-B105-01)

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

**[Note: Please do not delete or alter the information requested. Completely answer each item-do not answer "N/A"]**

1) Employee's name,             
 title and grade;  
*EX6*, Division Director, ES-0404-00-01

2) Nature of the outside activity, including a full description of the services to be performed  
Serve as a scientific advisor.

and the amount of compensation to be expected;\*\* *\$ EX6*

3) The name and business of the person or organization for which the work will be done.

Network of Excellence "Chemicals as contaminants in the food chain: an NoE for research, risk assessment, and education (CASCADE)" This will be under the  
*EX6*

(in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);

4) The estimated time (hours/days) to be devoted to the activity;  
(Please indicate **exact dates** if known.) \_\_\_\_\_  
Approximately three days per year.

5) Whether the service will be performed entirely outside of  
normal duty hours (yes or no)  
Most interface would be done by emails and video conferences, with one  
trip to Europe per year would be planned.

(if no, estimate the number of hours of absence from work required; if  
leave is requested, please provide a copy of approved SF-71);

\_\_\_\_\_

\_\_\_\_\_

6) The basis for compensation (e.g., fee, per hour, per diem, per annum,  
etc.);  
Only reimbursement for the travel will be paid.

\_\_\_\_\_

\_\_\_\_\_

7) Identification of any assistance agreements or contracts held by the  
person to or for whom services will be provided. (Must be answered-if not  
known by employee, please state so; if agreements or contracts are known,  
indicate the employee's involvement, if any.)

No assistance agreements or contracts are involved.

\* Employment means any form of non-Federal employment, business relationship, or activity  
involving the provision of personal services by the employee, whether or not for compensation.  
It includes but is not limited to personal services as an **officer, director, employee, agent,  
attorney, consultant, contractor, general partner, trustee, teacher or speaker.** It includes  
writing when done under an arrangement with another person for production or publication of the  
written product. It does not, however, include participation in the activities of a nonprofit  
charitable, religious, professional, social, fraternal, educational, recreational, public  
service, or civic organization, unless activities are for compensation other than reimbursement  
for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties,  
given for or in connection with employee's speaking or writing activities. Unless accepted under  
specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift  
acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by  
purchase of a ticket, by payment, in advance or by reimbursement after the expense has been  
incurred.

1)

#### **EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete  
and accurate and that I have provided all the information pertinent for the  
Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the  
restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property,  
resources, or facilities not available to the general public will be used in  
connection with this outside employment/activity (unless otherwise stated  
above.)

d) I certify that if there is a change in the scope of the duties or  
services performed or the nature of my business, I will submit a revised  
request for approval.

e) I certify that I will not represent EPA nor will I use my official  
EPA title, except as in a list of biographical information, in which case my  
EPA title is given no more prominence than other significant biological  
details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and not because of my official position.

g) I certify that the invitation to engage in this activity or the offer of compensation was not extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

EX 6  
Employee's signature \_\_\_\_\_ Date 11/24/03

2)

**DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL

\_\_\_\_\_

12/10/03  
Date

DISAPPROVAL

\_\_\_\_\_

\_\_\_\_\_  
Date



Two (2) hours per year. Dr. \_\_\_\_\_ will give an occasional lecture and may advise the graduate students in their research projects.

5) Whether the service will be performed entirely outside of normal duty hours (yes or no)  
Lectures are part of normal professional responsibilities and may be performed both within normal duty hours and outside of normal duty hours.

(if no, estimate the number of hours of absence from work required; if leave is requested, please provide a copy of approved SF-71);  
\_\_\_\_\_  
\_\_\_\_\_

6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.); \_\_\_\_\_  
\_\_\_\_\_

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered-if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.)

No assistance agreements or contracts are involved.

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an **officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker**. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1)

**EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking or writing, also include the following certifications:**

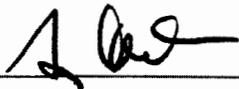
f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and not because of my official position.

g) I certify that the invitation to engage in this activity or the offer of compensation was not extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

EX 6  
Employee's signature \_\_\_\_\_ Date 3-27-03

2) **DEPUTY ETHICS OFFICIAL APPROVAL**  
APPROVAL  4/7/03  
Date  
DISAPPROVAL \_\_\_\_\_  
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory  
Experimental Toxicology Division  
Research Triangle Park, NC 27711-2055  
Phone 919-541-2656/Fax 919-541-4284

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: January 5, 2001

SUBJECT: Request for Approval to Engage in Outside Employment or Other Outside Activity

FROM: *EX 6* Ph.D. *EX 6*  
Director, ETD (MD-66)

TO: Lawrence W. Reiter  
Director, Health Effects Research Laboratory (MD-51)

THRU: Harold Zenick, Ph.D. *H*  
Associate Director For Health (MD-87)

As required by C.F.R. Title 5, Chapter LIV, Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 C.F.R., Part 2635 and § 6401.102.

1) Name/Title/Grade: *EX 6* Ph.D., Supervisory Biologist/Director,  
ETD, GS-15

2) Nature of the Outside Activity: To serve as Adjunct Faculty member, integrated Toxicology Program. Duties would include: Supervision of students in the laboratory rotation component of Introduction to Toxicological Research; supervision of students in the selected topics presented in the Seminar in Toxicology; supervision of the research activities within the Program of postdoctoral personnel and predoctoral students for the

*EX 6* *U*

Ph.D. and M.S. degrees; membership on examination and advisory committees for students affiliated with this Program.

3) Names and Institution: *EX 6*

4) Estimated Time to be Devoted to the Activity: Approximately two hours per month or twenty-four hours per annum

5) All duties would occur mainly outside normal duty hours.

6) There is no compensation.

7) No assistance agreements or contracts are involved.

## EMPLOYEE CERTIFICATION

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position.*

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

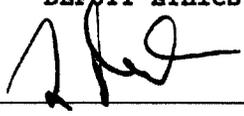
EX 6  
\_\_\_\_\_  
Employee's signature

1/5/01  
\_\_\_\_\_  
Date

2)

**DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL

A handwritten signature in black ink, appearing to be 'A. H. J.', written over a horizontal line.

3/9/01

Date

DISAPPROVAL

Date

outside act  
revised 6/99



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: March 7, 2001

SUBJECT: Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity

FROM: EX 6 Ph.D.  
Director/Human Studies Division (MD 58A)

TO: Lawrence W. Reiter, Ph.D.  
Deputy Ethics Official for NHEERL (MD-51)

*Henry Hal*

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

1) EX 6  
Supervisory Biologist GM-15

2) Nature of the outside activity, including a full description of the services to be performed. Will be a consultant to a grant to the Toxicology Research Core at the University and the program in the Genomic Profiling in Nuclear Receptor Mediated Toxicity  
EX 6  
EX 6

and the amount of compensation to be expected;\*\* \$0

3) The name and business of the person or organization for which the work will be done: The University of

EXEMPTION 6

(in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);

4) The estimated time (hours/days) to be devoted to the activity; (Please indicate exact dates if known.) 10hrs./year

5) Whether the service will be performed entirely outside of normal duty hours (yes or no) NO

(if no, estimate the number of hours of absence from work required; if leave is requested, please provide a copy of approved SF-71);  
5 hrs/year

6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.); N/A

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered-if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.)  
Dr. Swenberg, the PI on this grant has much funding from NIH. I do not know of other funding.

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under

specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1)

**EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biographical details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and not because of my official position.

g) I certify that the invitation to engage in this activity or the offer of compensation was not extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

Employee's signature \_\_\_\_\_ Date \_\_\_\_\_

2)

DEPUTY ETHICS OFFICIAL APPROVAL

APPROVAL A. Zeman \_\_\_\_\_ 04/15/01  
Date

DISAPPROVAL \_\_\_\_\_  
Date

outsideact  
revised 6/99



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory  
Office of the Director  
Research Triangle Park, NC 27711

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: 23 October 2003

SUBJECT: Request for Approval to Engage in Outside Activity,  
Adjunct Professor of Natural Resources Science, University of Rhode Island

FROM: *EX 6* J, Ph.D. *EX 6*  
NHEERL/ADE (B205-01)

TO: Lawrence W. Reiter, Ph.D.  
Laboratory Director  
Deputy Ethics Official

THROUGH: Steven F. Hedtke Ph.D. *St Hedtke*  
Deputy Associate Director for Ecology

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside activity described below. I understand that this is approved only for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside activity is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

- 1) Employee's name: *EX 6*  
Title and grade: Research Environmental Scientist, GS-1301-15
- 2) Nature of the outside activity, including a full description of the services to be performed: Appointment as Adjunct Professor of Natural Resources Science, University of *EX 6*. Advise and serve on thesis committees for *EX 6* graduate students.  
  
and the amount of compensation to be expected: none.
- 3) The name and business of the person or organization for which the work will be done: Department of Natural Resources Science, University of *EX 6* graduate student education.
- 4) The estimated time (hours/days) to be devoted to the activity: Serve on 1-2 graduate student thesis committees per year. Typical participation will be through teleconference calls with committee from office phone during duty hours. Preparation for calls (reviewing thesis plans and drafts) typically require 1-5 hours prior to each call, depending on amount of material to review. Additional calls may be necessary with students, but not to exceed 1-2 per month, typically during duty hours.
- 5) Whether the service will be performed entirely outside of normal duty hours: As indicated in response to item 4 above, committee involvement will require use of office phone during duty hours. Also, email and web





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF RESEARCH AND DEVELOPMENT  
NATIONAL RISK MANAGEMENT RESEARCH LABORATORY  
CINCINNATI, OHIO 45268

MEMORANDUM

DATE: October 29, 2012

SUBJECT: Serving as the Chair of <sup>FOIA</sup> Forum on Sustainability

FROM: <sup>FOIA</sup> ~~ex~~  
Associate Director for Science, NRMRL

TO: Angela Hadley  
Acting Deputy Director, NRMRL

This item was disclosed in my OGC-278, and Justina Fugh asked that I provide an ethics approval for this outside activity.

Last year I was asked to chair the <sup>FOIA</sup> ~~ex~~ Forum for Sustainability, a virtual organization in Washington, DC, composed of representatives of all engineering societies in the U.S.A. that are interested in promoting sustainability in engineering curriculum, research in academia and industry. I was asked to do this not because of my EPA position, but because I have promoted engineering approaches to sustainability for more than a decade in the <sup>FOIA</sup> ~~ex~~ <sup>FOIA</sup> ~~ex~~ and they thought I could provide some leadership to this multi-disciplinary group. The prominent engineering societies in this group are IEEE, ASME, ASCE, AIChE, and others. For 2008-2009 I served as the Chair of Institute for Sustainability for <sup>FOIA</sup> ~~ex~~ I expect this activity to last two years.

The Forum meets face to face about once a year in <sup>FOIA</sup> ~~ex~~ and conducts about four conference calls a year. This activity represents professional courtesy for a cause that is universal.

I need to have this approval on an expedited basis to satisfy OGC so that my OGC 278 for 2011 can be approved.

*Approved per attached memorandum dated 11/4/13  
Angela L. Hadley 11/4/13*



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF RESEARCH AND DEVELOPMENT  
NATIONAL RISK MANAGEMENT RESEARCH LABORATORY  
CINCINNATI, OHIO 45268

MEMORANDUM

DATE: October 29, 2012

SUBJECT: Section Editor for energy and Environment for the new *FOIA Ex 6* journal, Current Opinions in chemical engineering

FROM: *FOIA Ex 6*  
Associate Director for Science, NRMRL

TO: Angela Hadley  
Acting Deputy Director, NRMRL

Last year I was approached by *FOIA Ex 6* of the *FOIA Ex 6* Institute of Technology for considering to serve on the Editorial Board of a new journal he was planning to launch on behalf of the publisher *FOIA Ex 6* agreed. I have enclosed the request herewith.

The journal went into publication this year, with 4 publications in a year. My part is to suggest names of three or four reputed persons who could offer commentaries on research and technology trends that would be informational for chemical engineers in general. After the short (5-6 pages) manuscripts are submitted I read them, providing my comments, based on which the revisions are done. Since the submissions are invited, it is customary to accept the revised manuscripts.

I am required to suggest potential authors only for one issue per year. My time commitment for this effort is tiny. All the reviews are usually done at home at night or in the weekend. This professional activity is honorary.

I need the approval for continuing this outside activity so Justina Fugh can complete the approval for my OGC-278 submission for 2011.

*Approved per attached memorandum dated 11/4/13  
Angela L. Hadley 11/4/13*



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF RESEARCH AND DEVELOPMENT  
NATIONAL RISK MANAGEMENT RESEARCH LABORATORY  
CINCINNATI, OHIO 45268

MEMORANDUM

DATE: October 29, 2012

SUBJECT: Continuing as Co-Editor in Chief of journal Clean technologies and Environmental Policy, a FOIA EXC 6 publication

FROM: FOIA EXC 6  
Associate Director for Science, NRMRL

TO: Angela Hadley  
Acting Deputy Director, NRMRL

As the enclosed shows I sought and received approval from Tim Oppelt for being the Editor-in-Chief of a journal, FOIA EXEMPTION 6 which I founded. It started being published by the (EXC 6) publisher FIA 6 in 1998. Three years later this journal was merged with a similar journal edited by FOIA EXC 6 of the University of (FOIA EXC 6) (now at the University of the FOIA EXC 6) and the new journal became known as Clean Technologies and Environmental Policy (CTEP) for which both FOIA EXC 6 and I have been continuing as Co-Editors in Chiefs. CTEP is in publication to this day (14<sup>th</sup> year, FOIA EXC 6 counts from the day the first issue of my original journal was published). Last week Justina Fugh of OGC, while looking at my OGC-278 in which this item has been disclosed every year, pointed out that all ethics items need to be renewed every 5 years. With this memo I am seeking ethics approval for continuing this outside activity.

As I originally requested and Tim Oppelt stipulates in his approval of December 22, 1997, this outside activity is being conducted entirely on my own time using no EPA resources. My EPA position was neither used nor was relevant to the publisher in conducting this activity. I have also not used any EPA related R&D information that is not published and available to the general public in any of my journal dealings. The journal is devoted to the science and engineering of cleaner production and sustainability and mainly receives contributions from academia, and occasionally industry or non-profit organizations, worldwide. We also have two associate editors, one in (FOIA EXC 6) and the other in FOIA EXC 6.

I need to have this approval on an expedited basis to satisfy OGC so that my OGC 278 for 2011 can be approved.

*Approved per attached memorandum dated 1/4/13  
Angela L. Hadley 1/4/13*



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF RESEARCH AND DEVELOPMENT  
NATIONAL RISK MANAGEMENT RESEARCH LABORATORY  
CINCINNATI, OHIO 45268

MEMORANDUM

DATE: October 29, 2012

SUBJECT: Member of Advisory Committees at University of FOIA EX 6 University of FOIA EX 6, University of FOIA EX 6 and University of FOIA EX 6

FROM: FOIA EX 6  
Associate Director for Science, NRMRL

TO: Angela Hadley  
Acting Deputy Director, NRMRL

These items were disclosed in my OGC-278, and Justina Fugh asked that I provide ethics approval for these outside activities.

I have been providing this professional courtesy to academic institutions my entire professional career since 1984. The mix of academic institutions varies from year to year, and accordingly the OGC disclosure changes. I had always thought that disclosing these items would be sufficient.

Currently I am on academic advisory committees of four universities. The University of FOIA EX 6 committee (environmental resources department) meets once a year. I am still on the committee although I skipped the meeting the last two times. The University of FOIA EX 6 Chemical and Environmental Engineering Department committee meets face to face once every two years and conducts a conference in between. University of FOIA EXEMPTION 6 Institute meets once a year, but I have not attended the last two times. The University of FOIA EX 6 committee meets roughly once every two years.

The activity includes evaluating the curriculum, research activities, and ABET accreditation preparation. There is no activity when the meetings are not scheduled.

I need to have this approval on an expedited basis to satisfy OGC so that my OGC 278 for 2011 can be approved.

*Approved per attached memorandum dated 11/4/13  
Angela Z. Hadley 11/4/13*



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

SEP 14 2012

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

MEMORANDUM

Subject: Approval of Outside Employment

From: Betsy Smidinger, Deputy Ethics Official  
Office of Compliance 

To: FOIA EX 6; Director  
National Enforcement Training Institute  
Office of Compliance

Thank you for your Request for Approval of Outside Employment. Based on the information you have provided, I am approving your request.

You reported that the FOIA EXEMPTION 6 revises scholarly documents for publication in English language publications such as Scientific American or other academic journals. You reported that you are employed by the FOIA EXEMPTION 6 as the United States point of contact for the FOIA EX 6, which provides international credit card services to the company for billing purposes. The FOIA EXEMPTION 6 is run by your son, and you have received income as a shareholder in this company, which you reported on your Financial Disclosure Form.

Under 18 U.S.C. § 208, we do not see a conflict of interest with your employment at the EPA and the FOIA EXEMPTION 6, and, based on your description of your duties with this company, we do not believe that your daily work conflicts with the interests of the Journal Editors of America.

You should be aware that, while you are employed at the U.S. Environmental Protection Agency and while you are employed by the FOIA EXEMPTION 6, you may not participate in any government matter that will affect the financial interests of that company. In addition, your employment with FOIA EXEMPTION 6 should not involve official EPA time or property, and you may not use information that is confidential to EPA in relation to and in fulfilling this outside position.

Also, you said in your email dated August 29, 2012, that you have a three-year approval for your academic teaching work. Please provide a copy of that approval.



Fw: Approval of Request to Teach as Adjunct Professor of Law  
FOIA EXC to: Justina Fugh

07/25/2011 09:28 AM

One of your ethics team members - I am sorry I don't recall the gentleman's name - asked me to submit an updated Approval of Outside Employment authorization so my file is up to date. If you would kindly direct this to your colleague, I would be grateful.

**INETI**

*Home of the E-University*

*Classroom, Webinar, & On-Line Training*

— Forwarded by FOIA EXC DC/USEPA/US on 07/25/2011 09:25 AM —

From: David Hindin/DC/USEPA/US  
To: FOIA EXC DC/USEPA/US@EPA  
Cc: Marion Herz  
Date: 07/21/2011 05:50 PM  
Subject: Approval of Request to Teach as Adjunct Professor of Law

---

Subject: Approval of Outside Employment

From: David Hindin, Deputy Ethics Official  
Office of Compliance

To: FOIA EXEMPTIONS Director  
National Enforcement Training Institute

I am approving your request for outside employment as an Adjunct Professor of Law, with the following cautions:

You have employment arrangements with the University of FOIA EXC<sup>1</sup> to teach Federal Commercial Chemical Regulation in the fall 2011 semester; the University of FOIA EXC College of Law to teach Federal Commercial Chemical Regulation in the fall 2011; and to teach at the FOIA EXEMPTIONS College of Law in the spring 2011. You are being compensated for teaching these courses.

You should be aware that, while you are employed at the U.S. Environmental Protection Agency and while you are employed by these universities, you may not participate in any government matter that will affect the financial interests of the University of FOIA EXC, the University of FOIA EXC College of Law and the FOIA EXEMPTIONS College of Law. Under 18 section 208, the interests of these universities are considered to be yours.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

NOV - 6 2012

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

MEMORANDUM:

Subject: Approval of Outside Employment

From: Betsy Smidinger, Deputy Ethics Official  
Office of Compliance

To: ~~FOIA exemption~~, Director  
National Enforcement Training Institute

You have requested, retroactively, approval for outside employment covering two teaching positions (November 1, 2012 memo). There is no "three-year approval" for recurring outside employment. You must request approval before the employment is scheduled to begin.

You had employment arrangements with the University of ~~FOIA exemption~~ College of Law to teach Federal Commercial Chemical Regulation in the fall 2012 semester, and the University of ~~FOIA exemption~~ College of Law to teach Federal Commercial Chemical Regulation in the fall 2012. You were compensated for teaching these courses. I am approving, ~~retroactively~~, these employment arrangements *from this date forward.*

*SF 11/14/12*

You also report that you will be employed by the ~~FOIA exemption~~ College of Law to teach Federal Natural Resources Law during the spring 2013 semester. I am approving this outside employment.

You should be aware that, while you are employed at the U.S. Environmental Protection Agency and while you are employed by these universities, you may not participate in any government matter that will affect the financial interests of these schools. Under 18 section 208, the interests of these universities are considered to be yours.

In addition, your outside teaching employment should not involve official EPA time or property, and you may not use information that is confidential to EPA in relation to and in fulfilling these outside positions.

In addition, your outside teaching employment must not involve official EPA time or property, and you may not use information that is confidential to EPA in relation to and in fulfilling these outside positions.

*David A. Hindin, Deputy Director  
Office of Compliance  
U.S. Environmental Protection Agency  
voice 202-564-1300; fax 202-564-0027*

mu



Re: Fw: Approval of Outside Employment   
Justina Fugh to: FOIA EXC

05/17/2011 07:38 PM

Dear Mike,

I have received your request to engage in outside activity for compensation as an adjunct faculty member at FOIA EXC University FOIA EXC as well as the note from Michelle DePass that she is aware of your request. You wish to teach a graduate level course entitled Program Planning and Implementation in FOIA EXC Department of Public and International Affairs. Based on the information you have provided, see attached, I am approving your request as consistent with 5 C.F.R. Part 2635, Subpart H.



ReqOutside Emp.docx

Please note that, generally, an approval for outside employment remains valid for five years, though you must request a new approval should there be a change in the nature or scope of your duties. I have set forth below a reminder about several ethics principles:

Financial Conflicts of Interest

Because you will be compensated by FOIA EXC, you are its employee and therefore have a financial conflict of interest. You cannot participate in your EPA duties in any matter that will have a direct and predictable financial effect upon your outside employer. You cannot work on particular matters that involve FOIA EXC as a specific party (e.g., whether the Assistant Administrator should accept an invitation to speak at FOIA EXC), nor can you work on particular matters of general applicability (e.g., a grant proposal to which all colleges might apply if FOIA EXC is an expected applicant).

You will need to report the income from this outside activity on Schedule A of your financial disclosure statement, and the outside position on Schedule D.

Representation

Don't forget, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the US is a party or has a direct and substantial interest. See 18 USC 203 and 205. In your capacity as an adjunct faculty member, you cannot contact the US government on behalf of FOIA EXC, which may include contacting federal employees to speak before your graduate class.

I will put a copy of this approval in your file. As always, if you have any questions, please feel free to contact me at 564-1786.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
Ariel Rios North | Washington, DC 20460 | phone 202-564-1786 | cell 202-731-3631 | fax 202-564-1772

FOIA EXC

Same course each year. "Program Planning and Implementation." zzzzzz ...zzzzz...zzz 05/17/2011 05:51:36 PM

From: FOIA EXC //DC/USEPA/US  
To: Justina Fugh/DC/USEPA/US@EPA  
Date: 05/17/2011 05:51 PM  
Subject: Re: Fw: Approval of Outside Employment

Same course each year. "Program Planning and Implementation." zzzzzz ...zzzzz...zzz

Justina Fugh Thanks FOIA EXC Can you tell me the name of the course you teach? 05/17/2011 05:11:43 PM

From: Justina Fugh/DC/USEPA/US  
To: FOIA EXC //DC/USEPA/US@EPA  
Date: 05/17/2011 05:11 PM  
Subject: Re: Fw: Approval of Outside Employment

Thanks, Can you tell me the name of the course you teach? Is it the same each semester, or does it change from one semester to the next?

FOIA EXC

As requested, here is Michelle's approval for my outside employment. 05/17/2011 07:57:41 AM

From: FOIA EXC //DC/USEPA/US  
To: Justina Fugh/DC/USEPA/US@EPA  
Date: 05/17/2011 07:57 AM  
Subject: Fw: Approval of Outside Employment

As requested, here is Michelle's approval for my outside employment, i.e., teaching at [FOIA EXC]

EXC

--- Forwarded by Michael Stahl/DC/USEPA/US on 05/17/2011 07:56 AM ---

From: Michelle DePass/DC/USEPA/US  
To: FOIA EXC //DC/USEPA/US@EPA  
Date: 05/16/2011 06:23 PM  
Subject: Re: Approval of Outside Employment

FOIA EXC

I approve of your outside employment in accordance with the Agency's ethics rules.

Michelle DePass

FOIA EXC

----- Original Message -----

From: FOIA EXC  
Sent: 05/16/2011 05:06 PM EDT  
To: Michelle DePass  
Subject: Approval of Outside Employment

Michelle --

As you know, I have been teaching a course in [FOIA EXC] University's Public Administration Master's program for several years. When I first began teaching, I got an approval from my supervisors for outside employment in accordance with the Agency's ethics rules. I need to re-establish and update that approval and have recently checked in with OGC about getting that done. One step in that process is to get your

approval so that OGC will then review my request.

If you are willing to do so, can you send me an email reply indicating your approval, so I can then forward it to OGC? I have attached the information needed by OGC which explains the nature of the employment and acknowledges the relevant rules.

If you have any questions, please let me know. Thanks for your help on this ...

FOIA EXG

[attachment "ReqOutside Emp.docx" deleted by Michelle DePass/DC/USEPA/US]

## Request for Approval of Outside Employment

FOIA EX4 Deputy Assistant Administrator, OITA, (Senior Executive Service)

Nature of Outside Activity. I am an Adjunct Faculty Member at FOIA EX4 University's Department of Public and International Affairs and I teach a graduate -level course in the Department's Master's in Public Administration (MPA) Program. I receive about \$ FOIA EX4 each time I teach the course. I generally teach it once each year in the Fall semester.

Name and Business of the Organization for which the Work Will Be Done. See above. EX4 ; a state-funded institution in FOIA EX4 with a second campus in \_\_\_\_\_

Estimated Time Devoted to the Activity. The course includes about 48 hours of direct, in-class hours and another 35 hours of lesson planning and grading.

Duty Hours. All preparation, teaching contact, and grading occur outside of normal business hours.

Statement. No official duty time, Government property, resources, or facilities available to the general public will be used in connection with the outside employment.

Basis for Compensation. I am paid on a contract basis, i.e., for each class I teach I am offered a contract with a set salary that is paid to me in two- week increments.

Statement. I have read and will abide by restrictions in 5 CFR Part 2635 and Section 6401.102. I am aware of no assistance agreements or contracts held by a person to or for whom services would be provided.

- What is the name of the course you teach?

- same course each time or something new each semester?



Fw: Approval of Outside Employment  
FOIA EXC 1 to: Justina Fugh

05/17/2011 07:57 AM

As requested, here is Michelle's approval for my outside employment, i.e., teaching at FOIA EXEMPTIONS

FOIA EXC

— Forwarded by Michael Stahl/DC/USEPA/US on 05/17/2011 07:56 AM —

From: Michelle DePass/DC/USEPA/US  
To: FOIA EXC DC/USEPA/US@EPA  
Date: 05/16/2011 06:23 PM  
Subject: Re: Approval of Outside Employment

I approve of your outside employment in accordance with the Agency's ethics rules.  
Michelle DePass

FOIA EXC

----- Original Message -----

From: FOIA EXC  
Sent: 05/16/2011 05:06 PM EDT  
To: Michelle DePass  
Subject: Approval of Outside Employment

Michelle --

As you know, I have been teaching a course in FOIA EXEMPTIONS's Public Administration Master's program for several years. When I first began teaching, I got an approval from my supervisors for outside employment in accordance with the Agency's ethics rules. I need to re-establish and update that approval and have recently checked in with OGC about getting that done. One step in that process is to get your approval so that OGC will then review my request.

If you are willing to do so, can you send me an email reply indicating your approval, so I can then forward it to OGC? I have attached the information needed by OGC which explains the nature of the employment and acknowledges the relevant rules.

If you have any questions, please let me know. Thanks for your help on this ...

FOIA EXC

[attachment "ReqOutside Emp.docx" deleted by Michelle DePass/DC/USEPA/US]



## Request for Outside Employment

FOIA EXG to: Justina Fugh

Cc: Teresa Ruppe

05/09/2011 03:14 PM

---

Justina -- Hope all is well for you and everyone in EPA EthicsLand.

I wanted to send the attached to you before you get into your Spring rush of reviewing SF 278s.

I have been teaching for 12 years at FOIA EXG University and have reported the salary for that activity on my SF 278 during that time. It recently occurred to me that my request for outside employment was very old and might need to be re-submitted. Frankly, I'm not sure I have gotten an approval since my original filing when I started this in 1999. So here is a new request for your review.

Let me know if you have any questions about this or if I have not done this correctly. Teresa sent me the language that describes the information necessary to make a request, and I have followed it on the attached.

Thanks.



ReqOutside Emp.docx



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
GENERAL COUNSEL

April 6, 2007

MEMORANDUM

SUBJECT: Approval of Outside Activity

FROM: Justina Fugh *Justina Fugh*  
Alternate Agency Ethics Official

TO: FOIA EX 6 ; MD  
EPA Human Subjects Research Review Official

I have received your request to engage in outside activity, not for compensation, as an affiliated scholar at the Center for Clinical Bioethics at University. Based on the information you have provided, I am approving your request. Please note that, generally, an approval for outside employment remains valid for five years, though you must request a new approval should there be a change in the nature or scope of your duties. Even though you will not be compensated for this work, allow me to mention some ethics issues for your consideration.

Impartiality

Because you will be affiliated with this academic institution, you will have a "covered relationship" with it. You will need to report the activity on your financial disclosure statement. Even though there may not be a concern about a financial conflict of interests, you still must be mindful to take appropriate steps to avoid an appearance of a loss of impartiality in the performance of your official duties.

The ethics regulations permit you to participate in matters that might raise impartiality concerns when the interests of the federal government in your participation outweigh concern over the questioning of the "integrity of the agency's programs and operations." There are six factors to be considered by the ethics officials to determine whether the interest of the Government in your participation

outweighs any such concerns. These factors are:

- (1) the nature of the relationship involved;
- (2) the effect that resolution of the matter will have upon the financial interest of the person affected in the relationship;
- (3) the nature and importance of your role in the matter, including the extent to which you are called upon to exercise discretion in the matter;
- (4) the sensitivity of the matter;
- (5) the difficulty of reassigning the matter to another employee; and
- (6) adjustments that may be made in your duties that would reduce or eliminate the likelihood that a reasonable person would question your impartiality.

### Representation

Don't forget, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the US is a party or has a direct and substantial interest. See 18 USC 205. It does not matter that you will not be paid for this activity. In your capacity as an Affiliated Scholar, you cannot contact the US government on their behalf.

\*\*\*\*\*

As always, if you have any questions, please feel free to contact me at 564-1786.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF RESEARCH AND DEVELOPMENT  
NATIONAL RISK MANAGEMENT RESEARCH LABORATORY  
CINCINNATI, OHIO 45268

MEMORANDUM

DATE: January 4, 2013

SUBJECT: Outside Activity Approval for *FOIA EXEMPTIONS*

FROM: Angela Hadley, Acting Deputy Director and Deputy Ethics Official  
National Risk Management Research Laboratory (NRMRL)

TO: *FOIA EX. 4*  
Associate Director for Science, NRMRL

As the designated Deputy Ethics Official for NRMRL, I have reviewed the attached requests for approval submitted by you on October 29, 2012 regarding outside activity related to the following:

- Member of Advisory Committees at University of *FOIA EX. 4*, University of *FOIA EX. 4*, University of *FOIA EX. 4*, and University of *FOIA EX. 4*
- Co-Editor in Chief of Clean Technologies and Environmental Policy, a *FOIA EX. 4* publication journal
- Section Editor for Energy and Environment for the new *FOIA EX. 4* journal, Current Opinions in Chemical Engineering
- Serving as Chair of Engineers' Forum on Sustainability

Per your attached requests and based upon my review, I am approving these activities from this date forward with the following constraints and conditions:

1. You have read and are familiar with and will abide by the restrictions described in 5 C.F.R parts 2635 and § 6401.102.
2. Approval must be obtained in advance of engaging in the performance of these activities. Approval is given only as specified within the information you have provided or for a period of five years.
3. If there is a change in the scope of the duties, services or activities performed or the nature of your business, you will submit a revised request for approval.

4. The work or activity must be done entirely on your own time not on official duty time and must not involve Government property, resources, or facilities not available to the general public.
5. Your official title will not be used to promote the journal or committees. You will not represent EPA nor use your official EPA title, except as in a list of biographical information, in which case your EPA title should not be given any more prominence than other authors/contributors.
6. Your official position is not to directly solicit contributions from subordinates or others within the National Risk Management Research Laboratory.
7. Your invitation to engage in these activity was extended to you primarily because of your expertise in the particular subject matter and not because of your official position.
8. Only publicly available information is allowed to be used in preparation of forums or journals.
9. None of the invitations to engage in these activities was extended to you directly or indirectly by a person who has interests that may be affected substantially by the performance or non-performance of your duties.

If you have any questions or concerns regarding this approval, please contact me.



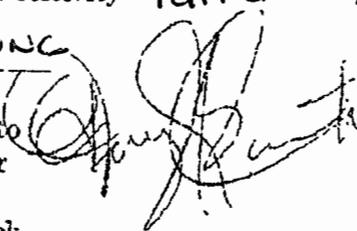
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Center for Computational Toxicology

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: July 25, 2007

SUBJECT: Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity **FOIA EXC** SOCIETY

FROM: **FOIA EXEMPTION C**

THRU: Jerry N. Blancato  
Deputy Director 

TO: Robert J. Kavlock  
Director and Deputy Ethics Official

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

[Note: Please do not delete or alter the information requested. Answer each item completely. Do not answer 'N/A']

1) Employee's name: **FOIA EXEMPTION C**

Title and grade: Systems Biologist, Title 42

2) Nature of the outside activity, including a full description of the services to be performed: President of the FOIA EXC ety: **EXC**  
was elected to serve as the President from June 28, 2007 through July 2, 2008 and a member of Council during the subsequent year as Past-President



The by-laws (<http://www.treatology.org/members/constitution.htm#5>), Section 2 states: The President shall preside at all meetings of the Society and Council. He/she shall be a nonvoting ex-officio member of all committees except the Nominations and Elections Committee. He/she shall have general charge and supervision of the business and affairs of the Society. He/she shall arrange to have the finances of the Society audited whenever an incoming Treasurer is placed in office.

and the amount of compensation to be expected:\*\* None. An interim Council Meeting will be held in late November or early December 2007 in Louisville KY. This trip (2-days) will use leave time although the ~~FOIA ex~~ Society will reimburse my travel expenses.

- 3) **The name and business of the person or organization for which the work will be done. Important Notice: The Emoluments Clause of the U.S. Constitution prohibits federal employees from accepting any gift, office, title or emolument, including salary or compensation from any foreign government except as authorized by Congress. Many foreign universities are arms of their government.**

The ~~FOIA ex~~ Society ~~FOIA~~ EXEMPTION 6  
The Executive Director is ~~FOIA ex~~

**(in cases of self employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 4) **The estimated time (hours/days) to be devoted to the activity; (Please indicate exact dates if known )**

Up to 1h daily and 2-3 h weekly between June 28, 2007 -- July 2, 2008 is anticipated

- 5) **Whether the service will be performed entirely outside of normal duty hours (yes or no) NO**

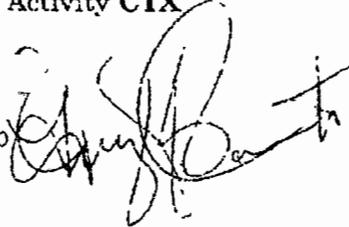
**(if no, estimate the number of hours of absence from work required; if leave is requested, please provide a copy of approved SF-71):**

Although I will not be serving as the President of the ~~BIA ex~~ Society as part of official duty, there will be *de minimus* engagements such as monthly teleconferences and email responses that require approximately 1.3h per



DATE: July 25, 2007

SUBJECT: Request for Approval to Engage in Outside Employment\* or Other Outside Activity CTX

FROM: FOIA EXC 

THRU: Jerry N. Blancato  
Deputy Director

TO: Robert J. Kavlock  
Director and Deputy Ethics Official

As required by C.F.R. Title 5 Chapter LIV Part 6401.103 I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

[Note: Please do not delete or alter the information requested. Answer each item completely. Do not answer 'N/A']

1) Employee's name: FOIA EXEMPTIONS

Title and grade. Systems Biologist, Title 42

2) Nature of the outside activity, including a full description of the services to be performed: Volume Editor, *Developmental Toxicology* This volume will appear as Volume 12 in the *FOIA EXC* series *Comprehensive Toxicology, 2<sup>nd</sup> edition*. The 1<sup>st</sup> edition was published 1997 as a 13-volume series where the topic of developmental toxicology was included in Volume

normal duty hours (yes or no)

Yes (Volume Editor)

No (Chapter Author)

(if no, estimate the number of hours of absence from work required; if leave is requested, please provide a copy of approved SF-71);

For Chapter Authorship, I request an estimated 40 h to write a chapter on 'systems biology: applications in developmental toxicology'. There will be no compensation accepted for this task.

6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.) and the total amount expected: § FOIA EX from the publisher to cover expenses of part-time assistant for process management through FOIA EX & this will include an honoraria to authors following chapter submission. The Editor receives \$0 net compensation himself as Volume Editor or Chapter Author

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered, if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any) None known; no EPA resources will be used.

\* Employment means any form of non-Federal employment business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable religious, professional, social fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 5 U.S.C. 1353, 5 U.S.C. 4111 or 7342 or an agency gift acceptance statute, it includes transportation, lodging and meals whether provided in kind by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1) **EMPLOYEE CERTIFICATION (Read and sign below)**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401.

10 - Reproductive and Endocrine Toxicology. The 2<sup>nd</sup> edition will have a separate volume devoted to *Developmental Toxicology*. As volume editor, I will be responsible for: (a) enlisting co-editor(s), TBN, for the volume; (b) determining subject matter and providing a volume outline by the end of summer 2007; (c) commissioning authors for 15-20 chapters with a six-month deadline for submission (March-April 2008); (d) editing these chapters and (e) forwarding edited volume chapters to the Editor-In-Chief, FOIA EXC for submission to the publisher by the end of 2008.

The idea is to update existing chapters from the 1<sup>st</sup> edition and add new chapters as needed. I request to write one chapter on 'Developmental Systems Biology' for the 2<sup>nd</sup> edition

and the amount of compensation to be expected;\*\* Publisher will compensate \$ ~~FOIA EXC~~ a complete print set and free online access to the web version for 2 years to each Volume Editor. This \$ ~~FOIA EXC~~ budget will budget expenses of this volume; assuming 15-20 chapters it would comprise \$ ~~FOIA EXC~~ process management and ~~FOIA EXC~~ to each commissioned author per chapter received. There will be no compensation to the Volume Editor in his role as Chapter Author.

3) **The name and business of the person or organization for which the work will be done:** *Important Notice: The Emoluments Clause of the U S Constitution prohibits federal employees from accepting any gift, office, title or emolument, including salary or compensation from any foreign government except as authorized by Congress. Many foreign universities are arms of their government.*

FOIA EXC th. FOIA EXC O. The Editor-In-Chief contact is FOIA EXC a University of FOIA EXC

(in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);

Commission of the volume chapters will be administered and managed by FOIA EXC, which is a privately-owned firm enrolled on the CCR registry.

4) **The estimated time (hours/days) to be devoted to the activity:** (Please indicate exact dates if known.)

Chapter outlines and possible authors due end summer 2007, chapter editing April-May 2008 based on a March-April submission deadline, and final submission to the publisher by end of 2008.

5) **Whether the service will be performed entirely outside of**

6) **The basis for compensation** (e.g. fee, per hour, per diem, per annum, etc.) **and the total amount expected;**

---

7) **Identification of any assistance agreements or contracts held by the person to or for whom services will be provided.** (Must be answered, if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.) None.

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an **officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker.** It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\* Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 51 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals whether provided in kind by purchase of a ticket, by payment in advance or by reimbursement after the expense has been incurred.

1) **EMPLOYEE CERTIFICATION (Read and sign below)**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with and will abide by the restrictions described in 41 C.F.R. parts 2635 and § 6401:

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity, unless otherwise stated above for certain non-profit organization activities where I receive no compensation.

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biographical details.

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position.*

g) I certify that the invitation to engage in this activity or the offer of compensation was not extended to me, directly or indirectly, by a person who has interests that may be affected substantially.

pending grants, as disclosed in separate memos to FOIA Ex 6 and FOIA Ex 6; (b) co-mentoring (with FOIA Ex 6 of PhD candidate FOIA Ex 6 in, who is working on her thesis research in the Graduate Program in Biochemistry and Molecular Biology; (d) co-mentoring of a postdoctoral research associate (TBN); (e) mentor in the UoE Environmental Health Sciences Training Program supported by the NIEHS FOIA Exemption 6 FOIA Ex 6 tor); and (f) mentor on the Summer Environmental Health Sciences Training Program for medical students supported by the NIEHS FOIA Exemption 6 Director).

and the amount of compensation to be expected; \*\* None.

- 3) The name and business of the person or organization for which the work will be done. *Important Notice: The Emoluments Clause of the U.S. Constitution prohibits federal employees from accepting any gift, office, title or emolument, including salary or compensation from any foreign government except as authorized by Congress. Many foreign universities are arms of their government.*

Birth Defects Center (FOIA Ex 6 Director)  
Center for Genetics and Molecular Medicine (FOIA Ex 6 Director)  
Center for Environmental Genomics and Integrative Biology (FOIA Ex 6 Director)  
Clinical and Translational Science Institute (FOIA Ex 6 Director)  
Graduate Program in Biochemistry and Molecular Biology (FOIA Ex 6 Director)

(in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 4) The estimated time (hours/days) to be devoted to the activity; (Please indicate exact dates if known.)  
2h per week

- 5) Whether the service will be performed entirely outside of normal duty hours (yes or no) No

(if no, estimate the number of hours of absence from work required; if leave is requested, please provide a copy of approved SF-71):  
Will require regular teleconferences and Email communications, as well as travel to UoE, as needed for research progress / committee meetings

by the performance or non-performance of my duties

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information. The subject does not deal in significant part with any matter to which I am currently assigned (working or as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy program or operation of the agency

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the U.S.

**FOIA EXEMPTIONS**

Employee's signature

August 23, 2007

Date

2)

**DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL

*Robert Kaulak*

10/24/2007

Date

DISAPPROVAL

Date

outside activity next 2005



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Center for Computational Toxicology

PR 17 2007 PM 12:53

OFFICE OF  
RESEARCH AND DEVELOPMENT

4/1/07

DATE:

SUBJECT: Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity

FROM: FOIA EX. 6

THRU: Jerry N. Blancato  
Deputy Director

TO: Robert J. Kavlock  
Director and Deputy Ethics Official

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

[Note: Please do not delete or alter the information requested. Answer each item completely. Do not answer 'N/A']

1) Employee's name: FOIA EX. 6

Title and grade: Research Scientist (TBD) Title 42

2) Nature of the outside activity, including a full description of the services to be performed: Editor-in-chief, "Reproductive Toxicology" (an FOIA exempt journal published 8 times per year. The official journal of the "FOIA EXEMPTION Society", Copy of contract attached.

**the person to or for whom services will be provided. (Must be answered, if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.)**

No involvement. A copy of contract is attached.

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an **officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker**. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1) **EMPLOYEE CERTIFICATION (Read and sign below)**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above for certain non-profit organization activities where I receive no compensation.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position*.

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

and the amount of compensation to be expected; \*\* Publisher will provide \$FOIAEXK annually to run the journal office

3) The name and business of the person or organization for which the work will be done: *Important Notice: The Emoluments Clause of the U.S. Constitution prohibits federal employees from accepting any gift, office, title or emolument, including salary or compensation from any foreign government except as authorized by Congress. Many foreign universities are arms of their government.*

FOIAEXK Inc., FOIA EXEMPTION 6 FOIA EIC

(in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months); \_\_\_\_\_

4) The estimated time (hours/days) to be devoted to the activity; (Please indicate exact dates if known.)

1 hour - 2 hours daily, M-F

5) Whether the service will be performed entirely outside of normal duty hours (yes or no) YES

(if no, estimate the number of hours of absence from work required; if leave is requested, please provide a copy of approved SF-71);

6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.) and the total amount expected;

\$FOIAEXK annually paid to cover journal's Editor's assistant and incidental supplies; amount to me = \$0.00

7) Identification of any assistance agreements or contracts held by

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the U.S.

FOIA  
EXEMPTION 6  
Employee's signature

4.1.07  
Date

2)

**DEPUTY ETHICS OFFICIAL APPROVAL**

\* APPROVAL Karen J. Dean

4/25/07 for RTK  
Date

DISAPPROVAL \_\_\_\_\_

Date

\* DEO approval through 12/30/09, with no automatic renewal. Continuation beyond 12/30/09 requires discussion and approval by DEO prior to 6/1/09.

## EDITOR-IN-CHIEF AGREEMENT

AGREEMENT made as from this 1<sup>st</sup> day of January, 2007 by and between:

FOIA EX6 c/o University of FOIA EX6 rth Defects Center, FOIA EXEMPTION 6  
FOIA EX6 United States of America, hereinafter referred to as "the EDITOR".

AND

FOIA EX6 hc, with offices a FOIA EXEMPTION 6 FOIA EX6 A, hereinafter referred to as "PUBLISHER".

### WHEREAS:

- a) PUBLISHER publishes the journal Reproductive Toxicology (the "Journal") and is the sole owner of the trademarks, copyrights, inventory, work in process and of all other rights in and to the Journal
- b) PUBLISHER wishes to re-appoint the EDITOR to act as Editor-in-Chief of the JOURNAL and the EDITOR wishes to accept that appointment;

NOW, THEREFORE, in consideration of the mutual promises herein contained, the parties hereto agree as follows:

### Article 1 Editorial Organization

The editorial organization of the JOURNAL shall be as follows:

- 1.1 The current description of the scope and subject matter of the Journal (the "Aims and Scope") are attached as Annex 1.1.
- 1.2 The JOURNAL contains mainly full length research papers, review papers, short communications, or such other material which is of special interest to the readers of the JOURNAL, for which the Editor has the editorial responsibility.
- 1.3 If the EDITOR or PUBLISHER consider it necessary to redefine the Aims and Scope or the editorial policy of the JOURNAL, or both, due to developments in the scientific discipline, the EDITOR, in cooperation with the Editorial Board, shall draft and forward such proposals to PUBLISHER for PUBLISHER's approval.
- 1.4 PUBLISHER will in consultation with the EDITOR appoint scientists of high international scientific standing who reflect the Aims and Scope and the international nature of the JOURNAL ("the Editorial Board").
- 1.5 The members of the Editorial Board will assist the EDITOR in refereeing or in coordinating the refereeing of papers submitted for publication in the JOURNAL. In addition the members of the Editorial Board will, in consultation with the EDITOR, solicit and acquire suitable papers for the JOURNAL and invite colleagues of high scientific standing to contribute to the JOURNAL.

## **Article 2 Responsibilities of the EDITOR**

- 2.1 The EDITOR will be responsible for and will have control over the scientific content of the JOURNAL, taking into account the Aims and Scope and the editorial policy of the JOURNAL.
- 2.2 The EDITOR shall be responsible for selecting material for publication in the JOURNAL, consistent with the high standards essential for a reputable international scientific journal
- 2.3 The EDITOR shall be responsible for ensuring an appropriate and sufficient level of submissions of papers for publication to meet the publication goals of the Journal. If necessary, the EDITOR will solicit papers to help to meet such publication goals.
- 2.4 It is understood that papers will only be accepted for publication if they are of a high scientific standard appropriately refereed (as described in Section 2.5), written in English and submitted in accordance with the instructions to authors. The EDITOR will reject, or return for revision, to the authors, papers that do not meet these standards.
- 2.5 The EDITOR with the assistance of the Editorial Board will coordinate the refereeing process for submitted papers. The total time for refereeing and handling by the EDITOR and the Editorial Board should normally not exceed a period of 12 weeks. Papers accepted for publication in the JOURNAL must be forwarded to PUBLISHER or to such other address or through such other means as indicated by PUBLISHER, upon receipt by the EDITOR of the final, accepted version.
- 2.6 The EDITOR will communicate with the authors regarding receipt, acceptance, revision, or rejection of the submitted papers. The EDITOR will furthermore be responsible for the communication with the Editorial Board and the contracts with PUBLISHER.
- 2.7 Papers accepted by the EDITOR for publication in the JOURNAL may be full length research papers, review type articles, short communications, or other papers which reflect the Aims and Scope.
- 2.8 The EDITOR shall cooperate with PUBLISHER and take such action as PUBLISHER may request in obtaining transfer of copyright from the authors to PUBLISHER in papers selected for publication in the JOURNAL.
- 2.9 For the purpose of performing his or her editorial activities under this Agreement the EDITOR shall maintain an Editorial Office for the JOURNAL at:  
University of Louisville, Birth Defects Center, Room 301, 501 South Preston Street,  
Louisville, KY 40202, United States of America
- 2.10 The EDITOR, in selecting papers for publication, shall take all reasonable care to avoid publication of papers which contain material of a libellous or defamatory nature, or which may for other reasons infringe any right of others, or cause damage to persons or property or to PUBLISHER's or the JOURNAL'S good reputation.
- 2.11 In case PUBLISHER has sufficient reason to believe that papers accepted for publication contain material which may infringe copyright or any other right, or which are of a libellous, objectionable or otherwise unlawful nature, and which may therefore when reproduced, published or otherwise disseminated cause damage to persons or property or to the good reputation of the JOURNAL or to third parties, PUBLISHER shall have the right to refuse

publication of such papers, without prejudice to the responsibility of the EDITOR for the scientific quality of the JOURNAL.

- 2.12 The EDITOR shall abstain from any action that will be detrimental to the JOURNAL. During the term of this Agreement the EDITOR shall observe the interests of the JOURNAL and the EDITOR shall not perform editorial activities for any other scientific journal which may reasonably be considered as being in competition with the JOURNAL.
- 2.13 All editorial material received by the EDITOR in his or her capacity as EDITOR of the JOURNAL during the term of this Agreement, is intended for and is the property of PUBLISHER and shall, in case PUBLISHER so requests, be immediately forwarded by the EDITOR to PUBLISHER, whether or not such material has been previously reviewed by the EDITOR.

### **Article 3 Responsibilities of PUBLISHER**

- 3.1 PUBLISHER will be responsible for and shall decide on all matters connected with the production, publication and distribution of the JOURNAL, such as but not limited to the publication schedule, paper, printing, binding, lay-out, cover and embellishments, the manner and extent of sale, distribution, promotion and advertising, and availability of the JOURNAL in electronic format and media. The subscription price(s) shall be set by PUBLISHER at its sole discretion.
- 3.2 PUBLISHER shall publish and distribute the JOURNAL at its own expense, in such style and manner and in connection with such media as is determined by PUBLISHER.

### **Article 4 Financial Arrangements**

- 4.1 In order to cover refereeing, postage, copying, telephone and other expenses incurred by the EDITOR in connection with his or her editorial activities under this Agreement, PUBLISHER shall pay to the EDITOR \$18,000 (eighteen thousand US dollars) per annum. This maximum amount can be revised, if mutually agreed by the EDITOR and PUBLISHER, in the light of increasing costs, commencing January 2009 and every 2 (two) years thereafter during the term of this Agreement.
- 4.2 PUBLISHER will provide the EDITOR a complimentary subscription to the JOURNAL during the term of this Agreement.

### **Article 5 Ownership/Copyright**

- 5.1 Copyright and all other rights, including all electronic rights, in and to the layout, arrangement and contents of the JOURNAL and the trademarks associated with the JOURNAL, vest in PUBLISHER.
- 5.2 The EDITOR acknowledges PUBLISHER's ownership of the JOURNAL, including the business records, work in process, inventory, trademarks and the copyright of PUBLISHER in the material contained therein and shall not claim any rights in respect thereof. The EDITOR hereby transfers to PUBLISHER, to the extent permissible (and if not permissible, grants a license therefore) any and all copyright claims that he or she may have in respect of the selection of the material published in the JOURNAL.

## Article 6 Duration and Termination

- 6.1 The term of this Agreement shall be for a period of 3 (three) years commencing on January 1<sup>st</sup> 2007 through December 31<sup>st</sup> 2009, but will be automatically renewed for 1-year periods unless 6 (six) months prior to the end of any such period either party gives contrary written notice to the other.
- 6.2 In the event the EDITOR should be unable, for any reason, to continue his or her responsibilities under this Agreement for a period of 6 (six) months or more, PUBLISHER shall be entitled to replace the EDITOR by sending a written notice by registered mail or overnight courier to the EDITOR. Upon the giving of such notice, this Agreement shall terminate.
- 6.3 Upon termination of this Agreement, the EDITOR shall give such assistance and information to PUBLISHER as may be necessary to facilitate the undisturbed and continued publication of the JOURNAL and to maintain good relationships with the authors and the members of the Editorial Board. The EDITOR shall ensure a smooth transfer of all material and administration connected with the JOURNAL to PUBLISHER, or to such other address as PUBLISHER shall indicate.
- 6.4 PUBLISHER may terminate this Agreement without cause if it wishes to discontinue the publication of the JOURNAL upon 3 (three) months written notice by registered mail or overnight courier to the EDITOR.
- 6.5 In the event of a termination pursuant to Article 6.4, the EDITOR shall not be entitled to any further remuneration from PUBLISHER except with respect to Volumes of the JOURNAL heretofore published and editorial expenses heretofore actually incurred by the EDITOR.
- 6.6 Notwithstanding Article 6.1, either party to this Agreement may terminate this Agreement forthwith by written notice by overnight courier or registered mail to the other in the event that the other party shall have committed a material breach of any of its obligations hereunder and shall have failed to remedy such breach within 30 (thirty) days after having received a written notice from the other party specifying such breach. Thereafter, the party giving the original notice may give the other party 15 (fifteen) days notice that it elects to terminate the Agreement, in which event this Agreement shall terminate upon the expiration of such 15 (fifteen) days. Any termination hereunder shall be without prejudice to any rights to damages or other remedies at law or equity of the non-breaching party.

## Article 7 General

- 7.1 Neither the EDITOR nor PUBLISHER may assign this Agreement to third parties without the prior written consent of the other; provided, however, that PUBLISHER may assign this Agreement within the PUBLISHER group of companies or in connection with the sale or transfer of the Journal without the prior written consent of the EDITOR.
- 7.2 Nothing in this Agreement shall be constructed or read as a grant of power of attorney or agency from PUBLISHER to the EDITOR and the EDITOR shall have no power whatsoever to bind PUBLISHER or to enter into agreements on behalf of or for the account of PUBLISHER.
- 7.3 EDITOR may receive from time to time information from PUBLISHER such as but not limited to subscription figures and marketing positioning data that are provided on a confidential basis (the "Information"). EDITOR will treat the Information as confidential and

proprietary to the PUBLISHER, and shall not disclose the Information to or discuss the Information with any third parties (without PUBLISHER'S consent).

- 7.4 This Agreement represents the entire Agreement between the parties in relation to the subject matter hereof and supersedes any previous agreements whether written or oral. The provisions of this Agreement shall be severable, and in the event that any provision of this Agreement is found to be legally unenforceable, such unenforceability shall not prevent the enforcement or any other provision of this Agreement. The waiver by either party of any breach or failure to enforce any of the terms of this Agreement at any time shall not constitute a waiver of any term hereof.
- 7.5 This Agreement may be modified or amended only by a written document executed by both parties.
- 7.6 Nothing in this Agreement shall be deemed to create any employer/employee, agency, fiduciary, joint venture or other similar relationship between the parties.
- 7.7 Regardless of the place of physical execution of this Agreement, or of its delivery, this Agreement shall be treated as though executed within New York (the "Governing State") and shall be governed and interpreted according to the laws of that country or state; and the parties irrevocably submit to the jurisdiction of the courts of the Governing State with respect to all disputes or matters arising out of or pertaining to this Agreement.

IN WITNESS WHEREOF the parties have duly executed this Agreement this 5th day of March 2007.

EDITOR

FOIA EX. 6  
President and CEO  
FOIA EX. 6

FOIA EXEMPTION 6

FOIA EXEMPTION 6

[U.S.: Social Security No.]

Deputy Ethics Official (DEO)  
Office of General Counsel  
7439 AR-N  
(202) 564-1784  
Peggy Love/DC/USEPA/US

Peggy Love/DC/USEPA/US  
12/26/2007 05:38 PM

To : FOIA EXC [redacted] /DC/USEPA/US@EPA  
cc  
Subject Re: Request for approval of outside volunteer activity [redacted]

Hi ~~to~~ <sup>to</sup> Steve. This is a tricky one. I am not sure if under the ethics rules you would be considered to be acting as an agent or attorney if you pursue the mediation work. I called the U. S. Office of Government Ethics and they even have to do some research. I will get back to you asap.

Peggy Love  
Attorney (Ethics)  
Deputy Ethics Official (DEO)  
Office of General Counsel  
7439 AR-N  
(202) 564-1784  
Steven Neugeboren/DC/USEPA/US

FOIA EXC [redacted] /DC/USEPA/US  
12/20/2007 07:17 PM

To Peggy Love/DC/USEPA/US@EPA  
cc  
Subject Re: Request for approval of outside volunteer activity [redacted]

Thats fine.

-----  
Sent by EPA Wireless E-Mail Services

Peggy Love

----- Original Message -----

From: Peggy Love  
Sent: 12/20/2007 06:55 PM EST  
To: FOIA EXC [redacted]  
Cc: Pat Hirsch  
Subject: Re: Request for approval of outside volunteer activity

Hi ~~Pat~~ I am out of the office this week and was wondering if it would be a problem if I officially replied to your request when I return next week?

Peggy Love  
Attorney (Ethics)  
Deputy Ethics Official (DEO)  
Office of General Counsel  
7439 AR-N  
(202) 564-1784  
~~FOIA EX 6~~ C/USEPA/US

~~FOIA EX 6~~ n/DC/USEPA/US

To Love.Peggy@epamail.epa.gov

cc Hirsch.Pat@epamail.epa.gov

12/18/2007 09:33 AM

Subject Request for approval of outside volunteer activity

I am writing to request approval of outside employment pursuant to 5 C.F.R. 6401.103. I am currently Associate General Counsel, Water Law Office, an SES position.

I intend to volunteer my services as a community mediator with the Center for Dispute Settlement. The mediation may fall in the following two programs.

#### 1. Community Misdemeanor Mediation Service (CMMS)

The Community Misdemeanor Mediation Service is a partnership between The Office of the United States Attorney for the District of Columbia and the Community Dispute Resolution Center of Washington, D C. to divert both pre-arrest and post-arrest misdemeanor cases to mediation

2 Office of Police Complaints: The Community Dispute Resolution Center (CDRC) and the Office of Police Complaints (OPC) formed a partnership to mediate citizen complaints against the D C. Metropolitan Police Department.

I will perform this work without compensation. It will take place during normal work hours, for which I will take annual leave. I currently anticipate that I would generally volunteer for approximately 1mediation per month (with a likely maximum of two per month), each mediation taking several hours. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this work. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102

Peggy Love/DC/USEPA/US  
01/07/2008 09:42 AM

To Justina Fugh/DC/USEPA/US@EPA  
cc  
bcc  
Subject Fw: Request for approval of outside volunteer activity

Hi There -

I am forwarding an e-mail that I sent to ~~FOIA Ex. 6~~ approving his request to do mediation work with the Center for Dispute Settlement. Would you place a copy of this in his file? I will also keep a copy as his DEO. Thanks.

Peggy Love  
Attorney (Ethics)  
Deputy Ethics Official (DEO)  
Office of General Counsel  
7439 AR-N  
(202) 564-1784

----- Forwarded by Peggy Love/DC/USEPA/US on 01/07/2008 09:40 AM -----

Peggy Love/DC/USEPA/US

01/07/2008 09:40 AM

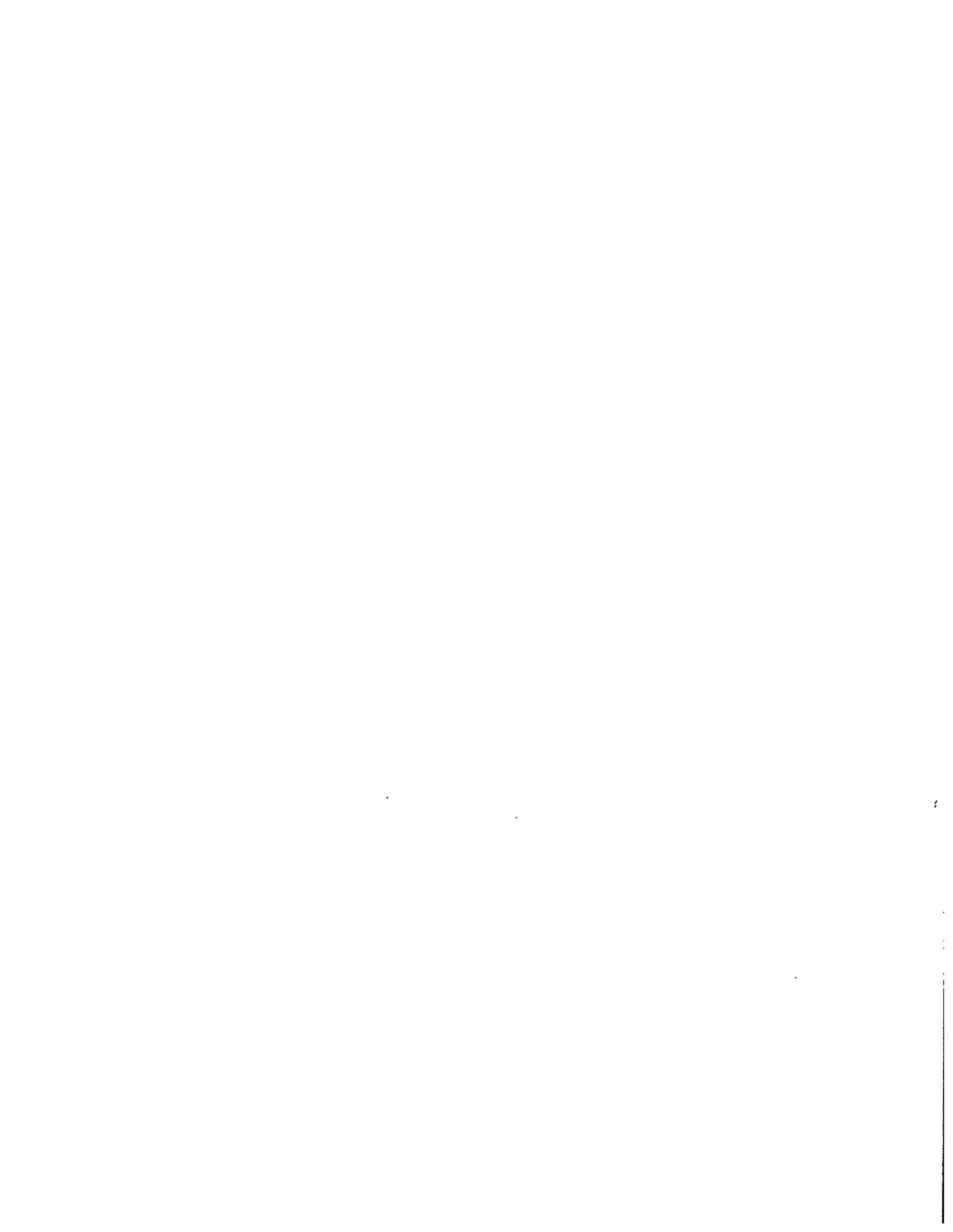
To ~~FOIA Ex. 6~~ /DC/USEPA/US@EPA  
cc

Subject Re: Request for approval of outside volunteer activity

The U. S. Office of Government Ethics (OGE) confirmed that if you are acting as a mediator with the Center for Dispute Settlement you would not be "representing" either party for purposes of 18 U.S.C. 205 since you are not acting as an agent or attorney of either party. Therefore, I approve your request to serve as a mediator with the Center for Dispute Settlement as described below.

This approval is good for five years and will need to be updated if there is a change in the nature or scope of your duties. You will also need to report this outside activity on Schedule D, Part 1: Positions Held Outside U. S. Government of your SF-278 financial disclosure form the next time you file. I will provide Justina Fugh a copy of this e-mail so that it can be made a part of your ethics file. I will also keep a copy as your DEO.

Peggy Love  
Attorney (Ethics)





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

NOV 2 - 2009

OFFICE OF  
GENERAL COUNSEL

Memorandum

SUBJECT: Request for Approval of Outside Activity

FROM: *FOIA EXEMPTIONS*  
Associate General Counsel  
Water Law Office

THRU: Patricia K. Hirsch *Patricia K. Hirsch*  
Principal Deputy General Counsel

TO: Justina Fugh *Justina Fugh*  
Deputy Ethics Official

Pursuant to 5 CFR 6401.103, I request approval of outside employment, as follows:

1. **My Name, title and grade:** Steve Neugeboren, Associate General, Water Law Office, SES

2. **The nature of the outside activity and expected compensation:** The activity is presenting information at a session sponsored by the *FOIA EXC* Institute on the Clean Water Act. There is no compensation.

3. **The name and business of the person or organization for which the work will be done:** *FOIA EXC*

4. **The estimated time to be devoted to the activity:** Approximately 2-4 hours on November 11th (a federal holiday)

5. **Whether the service will be performed entirely outside of normal duty hours.** Yes

6. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment;



7. **The basis for compensation (e.g., per diem) - N/A**

8. I have read, am familiar with and will abide by the restrictions described in 5 CFR 2635 and 6401.102; and

9. ELI may have assistance agreements with the Agency, but none are with my office nor, to my knowledge, with OGC.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

DATE: FEB - 8 2007

SUBJECT: Request for Approval of Outside Activity - FOIA EX 6

FROM: Eric Schaaf  
Regional Counsel - Deputy Ethics Official (ORC)

TO: Kathleen C. Callahan  
Deputy Regional Administrator - Deputy Ethics Official

We have reviewed a request for approval of outside activity submitted to ORC by ~~FOIA EX 6~~ of the NYCRRRO. ~~FOIA EX 6~~ seeks approval to engage in outside employment as an editor of a textbook on what he describes as "Exposure Guideline Development for chemical, biological and radiological agents." (See request form). He will receive royalties for this written work. Formal approval is necessitated by the Agency's supplemental regulation on outside employment at 5 C.F.R. §6401.103 and 6401.103(a)(4) particularly in that the subject matter of this proposed outside employment bears some relation to programs with which the Agency is involved. Upon reviewing ~~EX 6~~ request, we have referred to the ONE regulations concerning misuse of position and outside activities codified at 5 C.F.R. Part 2635, Subparts G and H, respectively.

We have found it necessary to scrutinize this request to a greater degree than has been the case with most requests for approval of outside employment. Our initial concerns were that the subject matter might begin to focus on specific EPA programs and initiatives. If this were to be the case, we could not recommend approval as such would violate the ONE regulation at 5 CFR 2635.807 prohibiting acceptance of compensation for writing on matters relating to official duties. Indeed, the problematic issue presented by this request concerns the degree of relation to official duties of the proposed editing work for which ~~FOIA EX 6~~ seeks approval.

To clarify and explain our concerns, Mitch Cohen met with ~~FOIA EX 6~~ and his supervisor, which was followed up by a phone conversation between Mitch and ~~EX 6~~. Mitch requested that ~~EX 6~~ fully delineate in writing the circumstances in which the offer to engage in this compensated activity was extended to him and to further address the concerns we posed concerning the regulatory term of art of "relation to official duties." (See attached memo from Mark dated January 29, 2007.)

Mark indicates in his memo that he has been active in activities of the Society of Toxicology, the membership of which consists of toxicologists in the academic community and elsewhere. He asserts that while EPA scientists are "typically well represented at the Society's annual meeting," the Agency has no official connection to the organization. He also indicates that he chaired the 2005 annual meeting of this organization. He states that he was approached to engage in the editing project by the publisher not because of his EPA position but, rather, because of his academic work (doctorate from ~~FOIA EX 6~~) and previous employment in the field of toxicology, which is known in the "toxicology community." He further asserts that



while the subject matter of the book he proposes to edit will reference some EPA publications and will deal to some extent with his current Agency duties, such references will not be the focus of the work; nor will his official duties in Region 2 be dealt with in significant part. (Again, see his memo.) In essence, he asserts that the editing work will center on subject matter that is inherently within his area of expertise based on his academic work and professional background. This is acceptable per 5 CFR 2635.807(a).

Because of the concerns presented by this request for approval, notably the appearance of misuse of official position for personal gain, Mitch decided that consultation with the Senior Counsel for Ethics at OGC, Justina Fugh, was appropriate. Together, they have determined that provisional approval can be recommended so long as the subject matter of the work does not deal in significant part with specific EPA programs, policies and operations or any of the duties that are assigned to him or that have been assigned to him in during the previous one-year period. Similarly ~~and~~ is reminded that he may not use in this work any information that he may acquire, or may have acquired, in the course of performing his official duties that was not intended for public dissemination. 5 CFR 2635.703.

Finally, he is to be informed that while he may make reference in the book to his official title, such reference in his biographical details should be given no more prominence than other such details. He should also include a disclaimer to the effect that the EPA does not endorse the publication and that the views expressed therein do not necessarily represent the position of the Agency with respect to any particular matter or issue discussed in the book. Should any of these restrictions be violated, approval should be rescinded and such violation should be dealt with administratively. In light of the foregoing discussion, we recommend approval contingent on adherence to these caveats.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

MEMORANDUM

DATE: August 5, 2008

SUBJECT: Request for Approval for Outside Employment, and Request for Leave Without Pay

FROM: FOIA EXC Associate Regional Counsel, *For AEA*  
Office of Regional Counsel

THROUGH: Eileen L. Furey, Chief *EF*  
Section III, Multimedia Branch II  
Eric Cohen, Chief *EC*  
Multimedia Branch II

TO: Robert A. Kaplan, Deputy Ethics Official  
Office of Regional Counsel

By this memorandum, I am requesting approval for outside employment, and state the following in support of this request in accordance with 5 C.F.R. § 6401.103. I am further requesting leave without pay during the time of outside employment.

**1. The nature of the activity, including a full description of services to be performed:**

I am requesting approval of outside employment with the United Nations Framework Convention on Climate Change (UNFCCC) and nine months of leave-without-pay commencing on Monday, September 7, 2009.<sup>1</sup> I have been offered a nine-month paid position with the UNFCCC in I / . I would like to accept the position and take nine months of leave-without-pay from my work with the U.S. Environmental Protection Agency (EPA).

The position is as a "Consultancy" with the UNFCCC Secretariat's Clean Development Mechanism (CDM) Executive Board.<sup>2</sup> The position involves drafting case specific decisions by the CDM Executive Board, as well as other similar tasks related to the revision and implementation of the registration and issuance procedures by the UNFCCC Secretariat for CDM projects.

<sup>1</sup> The UNFCCC offered me the position on August 3, 2009 and would require me to start on September 7, 2009. Therefore, in agreement with my supervisor, I would take annual leave starting sometime prior to that date, after wrapping up/transferring existing assignments.

<sup>2</sup> See <http://cdm.unfccc.int/EB/background.html>.

THE UNIVERSITY OF CHICAGO  
DEPARTMENT OF CHEMISTRY  
5800 S. UNIVERSITY AVENUE  
CHICAGO, ILLINOIS 60637

1968  
10/10/68

Dear Mr. [Name]:  
I have received your letter of [Date] regarding [Subject].  
The information you provided is being reviewed.

Yours faithfully,  
[Signature]  
[Name]  
[Title]

Very truly yours,  
[Signature]

Enclosed for you are [Number] copies of [Document Name].  
If you have any questions, please contact [Name] at [Phone Number].

I am sure you will find this information helpful.  
Sincerely,  
[Signature]

Very truly yours,  
[Signature]

The central feature of the Kyoto Protocol to the United Nations Framework Convention on Climate Change (Kyoto Protocol) requires participating countries to limit or reduce their greenhouse gas emissions by set targets. By setting targets, emission reductions become economically valuable. A CDM is one of three market-based mechanisms implemented by the Kyoto Protocol to help countries meet their emission targets and to encourage the private sector to contribute to emission reduction efforts.<sup>3</sup>

A CDM allows emission-reduction (or emission-removal) projects in developing countries to earn certified emission reduction (CER) credits. These CERs can be traded and sold, and used by industrialized countries to meet a part of their emission reduction targets under the Kyoto Protocol. The projects must qualify through a registration and issuance process designed to ensure real, measurable, and verifiable emission reductions that are in addition to emissions that would have occurred without the project. CDM approval is overseen by the CDM Executive Board, answerable ultimately to the countries that have ratified the Kyoto Protocol.

The U.S. signed and ratified, and is therefore a party to the UNFCCC treaty.<sup>4</sup> The U.S., however, signed but *did not* ratify the Kyoto Protocol.<sup>5</sup> Therefore, the United States is not a part of and has no emissions targets under the Kyoto Protocol.

**2. The name of the organization for which the work will be done:**

UNFCCC

FOIA EXEMPTION 06

**3. The estimated time to be devoted to the activity:**

The position is full time for a period of nine months.

My efforts and experience in the position would foster the goals and mission of the EPA by fostering the EPA's understanding of implementation programs such as CDM and cap-and-trade programs in general. The U.S. is moving toward controlling greenhouse gas emissions in general, and by a cap-and-trade program, specifically.

<sup>3</sup> See generally <http://cdm.unfccc.int/about/index.html>.

<sup>4</sup> See [http://unfccc.int/files/essential\\_background/convention/status\\_of\\_ratification/application/pdf/unfccc\\_conv\\_rat.pdf](http://unfccc.int/files/essential_background/convention/status_of_ratification/application/pdf/unfccc_conv_rat.pdf).

<sup>5</sup> See [http://unfccc.int/files/kyoto\\_protocol/status\\_of\\_ratification/application/pdf/kp\\_ratification\\_20090708.pdf](http://unfccc.int/files/kyoto_protocol/status_of_ratification/application/pdf/kp_ratification_20090708.pdf).

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On November 17, 2008, President-elect Barack Obama committed to passing legislation for a greenhouse gas cap-and-trade program in the U.S. to limit climate change.<sup>6</sup> On July 30, 2008, the EPA issued an Advance Notice of Proposed Rulemaking to regulate greenhouse gas emissions under the Clean Air Act. 73 Fed. Reg. 44354. On April 10, 2009, the EPA proposed a rule to require reporting of greenhouse gas emissions from all sectors of the economy. 74 Fed. Reg. 16448. Finally, on April 24, 2009, the EPA proposed to find greenhouse gases in the atmosphere endanger the public health and welfare of current and future generations. 74 Fed. Reg. 18886.

In June 2009, the U.S. House of Representatives passed the American Clean Energy and Security Act of 2009 (the "Waxman-Markey Bill"), which includes a greenhouse gas cap-and-trade program. H.R.2454. The Waxman-Markey Bill is now before the U.S. Senate.

**4. Whether the service will be performed outside of normal duty hours:**

The work will take place entirely outside of normal duty hours.

**5. The amount and basis of compensation expected:**

The amount of compensation is \$<sup>FOIA</sup>~~500~~ per month (tax free).

**6. The entity for which the services would be provided does not hold any EPA assistance agreements or contracts.**

**7. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.**

**8. I have read, and am familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 (Standards of Ethical Conduct for Employees of the Executive Branch), and 5 C.F.R. part 6401 (Supplemental Standards of Ethical Conduct for Employees of the Environmental Protection Agency).**

<sup>6</sup> See <http://www.youtube.com/watch?gl=IT&hl=it&v=hvG2XptIEJk>.

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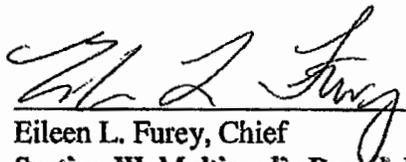
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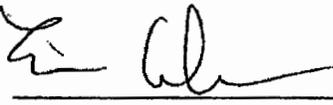
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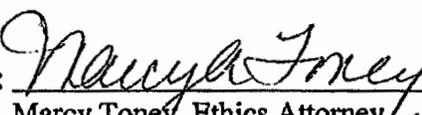
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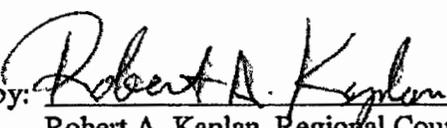
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Approved by:  Date: 8/6/09  
Eileen L. Furey, Chief  
Section III, Multimedia Branch II

Approved by:  Date: 8/6/09  
Eric Cohen, Chief  
Multimedia Branch II

Concurred by:  Date: 8/20/09  
Marcy Toney, Ethics Attorney  
Office of Regional Counsel *(see memo to E.W.)*

Approved by:  Date: 8/20/09  
Robert A. Kaplan, Regional Counsel and  
Deputy Ethics Official  
Office of Regional Counsel

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or federal regulation, including 5 C.F.R. parts 2635 and 6401, as required by 5 C.F.R. § 6401.103.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This not only helps in tracking expenses but also ensures compliance with tax regulations.

In the second section, the author provides a detailed breakdown of the monthly budget. It includes categories for housing, utilities, food, and entertainment. The goal is to identify areas where spending can be reduced without affecting the quality of life.

The third section focuses on investment strategies. It suggests diversifying the portfolio to include both stocks and bonds. The author also mentions the importance of regular contributions to retirement funds, such as a 401(k) or IRA, to take full advantage of employer matching and tax benefits.

Finally, the document concludes with a summary of key financial goals for the year. It encourages the reader to stay disciplined and avoid impulsive purchases. The author believes that with careful planning and consistent saving, financial stability is within reach.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

August 20, 2009

MEMORANDUM

SUBJECT: Request for Approval of Outside Employment

FROM: Marcy A. Toney  
Ethics Attorney *mat*

TO: FOIA EXEMPTIONS

You have requested approval for outside employment to accept a nine-month consultancy with the United Nations Framework Convention on Climate Change Secretariat's Clean Development Mechanism. I am recommending approval of your request but want to provide advice on ethics issues that are presented by such employment.

As an initial matter, you should understand that you remain a federal government employee while you are on leave without pay. Thus, all federal ethics laws and regulations will be applicable to you while you are employed by the UNFCCC/CDM.

(1) 18 U.S.C. 203/205: These provisions prohibit federal employees from representing non-federal entities before any federal court or agency in connection with any "covered matter" in which the U.S. is a party or has a direct and substantial interest. ("Covered matter" generally means any judicial or other proceeding, application, controversy, investigation or other particular matter.) These provisions would prohibit you from representing the UNFCCC, or "communicating with intent to influence" on behalf of the UNFCCC with any federal agency or court, including the Department of State, EPA or any employees of these agencies.

(2) Gifts: You should keep in mind the prohibition against federal employees accepting gifts from prohibited sources (5 C.F.R. 2635.201). A "prohibited source" is one who seeks official action by the Agency, does business or seeks to do business with the Agency, conducts activities regulated by EPA, has interests that may be substantially affected by the performance or nonperformance of your official duties, or is an organization whose members fit any of these categories. A gift is essentially anything of monetary value, with certain exceptions. Gifts based on an outside employment relationship (such as your position with the UNFCCC/CDM are an exception to this general rule when it is "clear that such benefits have not been offered or enhanced because of [your] official status." See 5 C.F.R. 2635.204(e).

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This not only helps in tracking expenses but also ensures compliance with tax regulations.

In the second section, the author provides a detailed breakdown of the company's revenue streams. This includes sales from various product lines and services. The analysis shows that while some areas are performing well, others need more attention to improve profitability.

The third section focuses on the company's financial health. It includes a summary of the balance sheet, income statement, and cash flow statement. The author notes that the company has maintained a strong position, with healthy cash flow and manageable debt levels.

*Appendix*

This appendix contains detailed financial data and supporting documents. It includes a list of all invoices issued during the reporting period, along with their corresponding receipts. This provides a clear audit trail for all transactions.

Additionally, there are several tables showing monthly sales trends and expense breakdowns. These tables are designed to be easy to read and understand, providing a clear picture of the company's financial performance over time.

The final part of the appendix includes a list of all assets and liabilities as of the end of the reporting period. This information is crucial for understanding the company's overall financial position and for planning future growth.

(3) Misuse of position: You must not use your EPA official position or title for your own private gain or the gain of others. "An employee shall not use or permit the use of his Government position or title or any authority associated with his public office in a manner that is intended to coerce or induce another person. . . to provide any benefit, financial or otherwise, to himself or to friends, relatives, or person with whom [he] is affiliated in a nongovernmental capacity." 5 C.F.R. 2635.702

(4) Financial Disclosure: Since you remain a federal employee while on leave without pay, you will need to complete a Confidential Financial Disclosure Form prior to February 15, 2010. On that form, you should report your income from the UNFCCC and any gifts (such as travel expenses or housing allowances) that you may receive.

(5) I have consulted with EPA's Office of International Affairs and have been advised that they have no objection to your being placed on leave without pay and accepting the position with the UNFCCC. I have also determined that the UNFCCC is not a "foreign State" under the Emoluments Clause of the U.S. Constitution.<sup>1</sup>

cc: FOIA Ex 20100101 File

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<sup>1</sup> Office of Legal Counsel Memorandum Opinion, May 24, 2001.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent and reliable data collection processes to support informed decision-making.

3. The third part of the document focuses on the role of technology in enhancing data management and analysis. It discusses how modern software solutions can streamline data collection, storage, and reporting, thereby improving efficiency and accuracy.

4. The fourth part of the document addresses the challenges associated with data management, such as data quality, security, and privacy. It provides strategies to mitigate these risks and ensure that data is used responsibly and ethically.

5. The fifth part of the document concludes by summarizing the key findings and recommendations. It stresses the importance of ongoing monitoring and evaluation to ensure that data management practices remain effective and up-to-date.

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**MEMORANDUM**

**SUBJECT:** Request for Approval of Outside Activity

**FROM:** [Redacted], IEMB

**TO:** Frank T. Princiotta   
APPCD Deputy Ethics Official

**CC:** Bob Thompson  
IEMB Chief

As required by Title 5 Chapter IIV Part 6401.103, I am requesting your approval to participate in the outside activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

**1. Employee's name, title and grade**

FOIA b6 Environmental Scientist, GS-14/6

**2. Nature of outside activity, including a full description of the services to be performed:**

I will participate in a UN-funded indoor environmental quality (IEQ) research project in China and serve as an invited international expert. The following services are to be performed under the agreement:

- Assist in developing test plans and monitoring plans under the scope of work, and make recommendations on technical approaches to emissions testing and field measurements;
- Give two oral presentations to the research team on current investigative methods for IEQ and future directions. Each presentation is for one and a half hours long;
- Assist in data processing and analysis;
- Assist in preparation of the final report in both Chinese and English;
- Make specific recommendations for improving the IEQ in .
- Assist in supervising graduate students in the research team; and
- Provide the project manager with a progress report after completion of each mission.



3. **The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):**

Project sponsor: The United Nations Development Programme (UNDP).

Study site: FOIA EX 6

Project manager: FOIA EX 6 tional Center for Economic and Technic Exchanges,  
FOIA EX 6

Technical lead: University College of Environmental Sciences. FOIA EX 6

Participants: Environmental Monitoring Station and FOIA EX 6 Environmental Protection Bureau.

Project objectives: Assessing the current indoor air quality status in public and residential buildings, identifying major indoor air quality problems, and developing measures to protect the public from indoor air pollution.

4. **The estimated time to be devoted to the activity: (Please indicate exact dates if known)**

First trip: August 24-September 23, 2004

Second trip: About 30 days in early 2005

5. **Whether the service will be performed entirely outside of normal duty house (if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71):**

A total of 186 hours of absence is needed for the first trip. The approved leave form is attached. Roughly equal amount of hours is needed from the second trip next year.

**Identification of assistance agreements or contracts held by the person to or for whom services will be provided:**

FOIA EXEMPTION 6 person .v. FOIA EX. 6

### Employee Certification

I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter. I further certify that I will not use or permit the use of my official title or



position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the Agency or the US. I also certify that if there is a change in the scope of the duties or services performed or the nature of this activity, I will submit a revised request for approval.

FOIA EXEMPTION 6  
Employee's Signature

8/16/04  
Date

**Deputy Ethics Official Approval**

Approval *Frank T. Prunella*

8/16/04  
Date

Disapproval \_\_\_\_\_

\_\_\_\_\_  
Date

- Attachments: Approved SF-71  
Invitation letter  
Service agreement





Re: Request for approval for Fellow position  
 Betty Wonkovich to: FOIA EXC  
 Cc: Justina Fugh, wonkovich.betty

07/02/2009 04:22 PM

FOIA EXC I have read this and I do approve. Betty Wonkovich, ORD Ethics Official

Betty Wonkovich  
 Chief of Staff  
 Office of the Assistant Administrator  
 for Research and Development  
 US Environmental Protection Agency  
 1200 Pennsylvania Ave., NW 8101R  
 Washington, DC 20460  
 (202) 564-6989 or 6620  
 (202) 564-2244 (Fax)

FOIA EXC Dear Betty, I recently learned from Justina Fugh, 06/29/2009 02:43:45 PM

From: FOIA EXC C/USEPA/US  
 To: wonkovich.betty@epa.gov  
 Cc: Justina Fugh/DC/USEPA/US@EPA  
 Date: 06/29/2009 02:43 PM  
 Subject: Request for approval for Fellow position

Dear Betty,

I recently learned from Justina Fugh (Office of General Counsel) that I must seek your approval as ORD's Deputy Ethics Official for an outside "Fellow" position I currently have at FOIA EXC University. I didn't think ethics approval was required when I accepted the position since this a non-paying position. However, Justina alerted me that ethics approval is, in fact, required. I am therefore submitting this formal request. (I am copying Justina on this email so she is aware I've submitted the request to you, and provided you with all necessary information.)

Per EPA's supplemental regulations governing the form and content of such requests, I am including the following specific information for your consideration:

(1) **Name, title and grade:** My current title is National Program Director for ORD's Global Change Research Program and Mercury Research Program. I hold an ST position.

(2) **Nature of outside activity:** On June 23, 2008, I was welcomed as an inaugural Fellow of the Institute for Science, Technology and Public Policy FOIA EXC in FOIA EXC School of Government and Public Service at FOIA EXC University by FOIA EXC (Director). I was invited by the FOIA EXC to become a Fellow because of my "distinguished accomplishments" within my discipline.

Inaugural Fellows of the Institute for Science, Technology and Public Policy in the FOIA EXC School of Government and Public Service at FOIA EXC University serve an initial two-year appointment, from September 1, 2008, to August 31, 2010, with possible re-appointments.

This is an honorary position and I am not receiving any compensation. It's my understanding that the position will only entail providing scholarly advice to the Institute. (To date, I have not been asked for any advice.) I might also participate in one or two scholarly events involving the Inaugural Fellows at FOIA EX 6 University.

(3) **Name and business of the organization for which the work will be done:** The position is with the Institute for Science, Technology and Public Policy FOIA EX 6 in The FOIA EX 6 School of Government and Public Service at FOIA EX 6 University. The ISTPP was created in the fall of 2000 on the foundation laid by the FOIA EX 6 ) at FOIA EX 6 University. EX 6 was created in 1993 and became one of two research centers in the Bush School of Government and Public Service. It focused on three types of activities. These were 1) development of externally funded, interdisciplinary research; 2) creation of an executive development program for transferring research-based information to decision makers; and 3) implementation of an undergraduate course designed to introduce talented juniors to the concept of interdisciplinary collaboration. As the EX 6 school's academic programs matured, it became clear that a logical place for the educational portion of CPLS was in the FOIA EX 6 school and this change allowed FOIA EX 6 transition to an institute that concentrates more exclusively on research development and the general problem of information transfer.

(4) **Estimated time to be devoted to this activity:** It's my understanding that the position will only entail providing scholarly advice to the Institute on an intermittent basis. I might also participate in one or two scholarly events involving the Inaugural Fellows at FOIA EX 6 University during the period of the appointment.

(5) **Will the service be performed entirely outside of normal duty hours?** It is possible (and likely) that the activities described above will occur during normal duty hours – especially since they involve “scholarly activities.” If this is the case, I expect I would be absent from my work station at EPA Headquarters only during the one or two trips to FOIA EX 6 University (totaling 5-8 days) during the period of the appointment.

(6) I do not expect that any official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this position as Fellow. The only exception might be costs associated with my travel to FOIA EX 6 University. Such costs would come out of the "discretionary" travel budget allocated to me by ORD for my work as the National Program Director of ORD's Global Change Research Program and Mercury Research Program.

(7) **Basis for compensation:** I am not being compensated for this position.

(8) I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on “Outside Activities”) and Section 6401.102 (EPA's Supplemental Regulations).

(9) **EPA assistance agreements or contracts:** It's my understanding that FOIA EX 6 had a cooperative agreement with ORD's National Center for Environmental Assessment (NCEA). The project has been completed. It entailed a regional assessment of public perceptions of the risks

associated with climate change in the Gulf Coast region. This work was funded as part of NCEA's contribution to ORD's Global Change Research Program. I am not aware of any other assistance agreements or contracts with FOIA EX 6 University associated with ORD's Global Change Research Program.

Please don't hesitate to contact me if I can provide you with any additional information about this Fellow position.

Thanks for your consideration of this request for approval.

EX 6:

FOIA EX 6 Ph.D.  
National Program Director  
Global Change Research Program/Mercury Program  
Office of Research and Development  
U.S. Environmental Protection Agency  
Phone: 12 EX 6  
Fax: FOIA EX 6

Fw: Request for approval for Fellow position  
Justina Fugh to: FOIA EXC

07/22/2009 02:27 PM

Hi,

It's worth remembering that there are some significant ethics issues when you have an outside position. Your involvement as an inaugural Fellow is undertaken as an *outside activity* rather than on behalf of EPA because you are not representing EPA's official position or interests. Here's some stuff about that.  
Justina

#### Outside Activity but using Official Time

At the discretion of your supervisor, you may be granted *official time* or an *excused absence* to engage in outside activity, provided that doing so does not impair your ability to complete your EPA-assigned work and is consistent with other ethics rules. *Official time* means that your leave balance will not be charged; but does not mean that you are assigned to do the work as part of your EPA duties.

You may be given *official time* to review papers or articles, for example, because your supervisor believes that your outside activity involvement is part of your overall career development. For example, ORD supervisors may authorize a reasonable amount of official time for employees to organize and/or chair sessions, prepare and present papers at society or association meetings, or to serve as adjunct professorships for service on graduate student committees. However, they cannot authorize *official time* to run the day-to-day operations of the outside entity.

#### Outside Activity and Financial Conflict of Interests

Absent specific statutory authority, you cannot serve as part of your official duties as a director or officer of any outside organization. The reason is that it is rarely part of official duty for employees to serve on boards in their official capacity. See Ethics Advisory 97-12 at <http://intranet.epa.gov/ogc/ethics/97-12.pdf>. You can never be granted *official time* or an *excused absence* to carry out the day-to-day operational duties of an officer or director of a non-federal entity.

Under the financial conflict of interest statute, 18 USC § 208, the interests of any outside entity in which you serve as a director or officer are imputed to you (the same as your spouse's or a dependent child's). Because you will hold an officer position, you will have to recuse yourself from engaging in your official EPA duties in any way that will have a direct and predictable financial effect upon the interests of the non-federal entity. 5 CFR Part 2635, Subpart D.

#### Official Duty and the Impartiality Standard

Just a note: even if you are a member of an outside organization, but not an officer or director, you still have a "covered relationship" with it under the impartiality standards at 5 CFR Part 2635, Subpart E. You should not engage in your official duties in a way that would lead a reasonable person with knowledge of the relevant facts to question your ability to be impartial with regard to the non-federal entity. Your Deputy Ethics Official should be consulted if you were to, for example, engage in your official duties at the same conference at which you are participating in your personal capacity.

#### Outside Activity and the Representation Ban

Under 18 USC § 205, federal employees cannot make representations on behalf of another entity back to the federal government. This restriction applies even if the representation is unpaid and the representation occurs on personal time. A different criminal conflict of interest law, 18 USC § 203, prevents you from representing the interests of another back to the federal government for compensation, even in your own time. Federal employees cannot represent outside entities as agent or attorney in connection with any matter in which the United States is a party or has a direct and substantial interest.

You should be careful about representing your outside entity's interests back to the federal government, including at conferences and meetings. This problem may occur if you want to ask any federal colleagues to serve as speakers in their official government capacities at conferences that you are organizing in your

outside capacity, or when you are trying to gather federal authors or peer reviewers for an outside publication. It's a conflict of interest to serve as agent or attorney for an outside entity back to any federal employee, whether at EPA or someplace else.

#### Outside Activity and Reference to EPA Position

When you are engaged in outside activity -- even on official time -- you cannot make reference to your EPA position or title, except as one of three biographical details, with EPA not having any undue prominence. 5 CFR § 2635.807(b). Pursuant to federal criminal statutes, you also cannot represent the interests of the outside entity back to the federal government. 18 USC §§ 203 and 205.

I checked the bio sketch on the website, and it's fine (cute dog, BTW) [<http://:FOIA ex 6 aboutme.htm>]

There is one limited exception to reference to official title and position: you may use or permit the use of your title or position "in connection with an article published in a scientific or professional journal, provided that it is accompanied by a reasonably prominent disclaimer satisfactory to the agency stating that the views expressed in the article do not necessarily reflect represent the views of the agency or the United States." 5 CFR § 2635.807(b). Offices may have additional publication policies as well. So, if you are publishing an article in a "scientific or professional journal" only, then you may make reference to EPA position or title alone so long as you include the disclaimer.

#### SUMMARY

- o Participation in the business or operational activities of the non-federal organization must be carried out on your own time.
- o Use of EPA resources (equipment, facilities, vehicles, etc.) for outside activities must be consistent with the Agency's Limited Personal Use of Equipment policy, found at <http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/2101-0.pdf>. Under this policy, *de minimis* use of telephone and computer equipment may be allowed by your supervisor.
- o If you are invited to travel for an outside activity, then you do not need Government travel orders. Traveling for an outside activity is necessarily personal, so the gift is to you as an individual and not to the Agency. Do not fill out the electronic ethics travel form (that form is used only for official EPA travel). If the gift of travel to you personally exceeds the reporting threshold for gifts, then you must report it on your financial disclosure report.

----- Forwarded by Justina Fugh/DC/USEPA/US on 07/22/2009 02:22 PM -----

From: Betty Wonkovich/DC/USEPA/US  
To: ~~FOIA ex 6~~ DC/USEPA/US@EPA  
Cc: Justina Fugh/DC/USEPA/US@EPA, wonkovich.betty@epa.gov  
Date: 07/02/2009 04:22 PM  
Subject: Re: Request for approval for Fellow position

---

~~FOIA ex 6~~ I have read this and I do approve. Betty Wonkovich, ORD Ethics Official

Betty Wonkovich  
Chief of Staff  
Office of the Assistant Administrator  
for Research and Development  
US Environmental Protection Agency  
1200 Pennsylvania Ave., NW 8101R  
Washington, DC 20460  
(202) 564-6989 or 6620  
(202) 564-2244 (Fax)



Ernestine 2109



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL HEALTH AND ENVIRONMENTAL EFFECTS  
RESEARCH LABORATORY  
WESTERN ECOLOGY DIVISION  
200 S.W. 35TH STREET, CORVALLIS, OR. 97333

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: September 4, 2008

SUBJ: Request for Approval to Engage in Outside Employment\* or Other Outside Activity  
FROM: *EX 6* Ph.D., *EX*  
Ecologist  
Freshwater Ecology Branch  
TO: Thomas D. Fontaine, PhD  
Deputy Ethics Official  
THRU: Tony Olsen, Ph.D. *[Signature]*  
Branch Chief  
Freshwater Ecology Branch

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and SS 6401.102.

- 1) *EX 6* Ecologist, GS 14:
- 2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation\*\* to be expected:

I have been asked to serve as part of an external review board for the *EX 6* Program, Adaptive Management: Wise Use of Water, Wetlands & Watersheds, at the *EX 6* is an NSF-funded program (see web site *EX 6*). I would be serving as part of a team of 5 or 6 individuals that would form the review board. The review would require that I attend a two-day site visit in early 2009. During the review, the external review team will be briefed on: (1) the scope and objectives of the program, (2) internal evaluations conducted to date, (3) the first 2 1/2 years of the program and its accomplishments, (3) student research, and (4) future goals and objectives. At the conclusion of the review, the review board will prepare a brief written evaluation of the *EX 6* Program including suggestions on how to increase effectiveness, etc.

All expenses for the travel to attend the review meeting would be covered by the University *EX 6* with non-federal funds.

- 3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):

The University of *EX 6* Integrative Graduate Education and Research Traineeship (*EX 6*)

Program, Adaptive Management: Wise Use of Water, Wetlands & Watersheds

- 4) The estimated time to be devoted to the activity; (Please indicate exact dates if known):

I anticipate that this activity would involve no more than four days to travel to and attend the review meeting and no more than two days to prepare for the meeting and prepare the final report. The meeting has been tentatively scheduled for the first quarter of 2009.

- 5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71):

I request up to four days administrative leave for the time to travel to and attend the review meeting. Time needed to prepare for the meeting and write the final report would be outside of normal duty hours.

- 6) The basis for compensation (e.g., fee, per diem, per annum, etc.):

The compensation for travel expenses will be requested in consultation with EPA ethics officials to ensure that rules applicable during the term of service are scrupulously adhered to.

- 7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided:

A search of the EPA Grants Information and Control System and the List of Active Contract as of 7/14/08 for Dr. LX B principal investigator on the NSF grant supporting the IGERT Program, identified no current agreements or contracts.

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an **officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker**. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

Entered manually



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL HEALTH AND ENVIRONMENTAL EFFECT  
RESEARCH LABORATORY  
WESTERN ECOLOGY DIVISION  
200 S.W. 35<sup>TH</sup> STREET, CORVALLIS, OR. 97333

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: September 8, 2011

**SUBJECT:** Request for Approval to Participate in a Scientific or Other Professional Activity as Official Duty

**FROM:** *EX 6* Ecologist  
Freshwater Ecology Branch *EX 6*

**THRU:** Tony Olsen, Chief  
Freshwater Ecology Branch *AK Olsen 9/9/11*

Thomas Conolly  
WED Ethics Advisor

**TO:** Thomas D. Fontaine, PhD  
Deputy Ethics Official

Consistent with EPA's policy, I am requesting your approval to participate in the professional activity described below as part of my official duty.

1) Employee's name, title and grade; *EX 6* Ecologist, GS-15

2) Position or office to be served, including a full description of the services to be performed:

Participation as part of a Technical Advisory Committee for a project to develop performance curves for tidal marshes and coastal streams for the California Rapid Assessment Method. This will involve attending three, half-day webinars to be held over the next 12 months. Review of draft products and preparation for the webinars will be done on personal time.

A copy of the invitation and project description are attached.

3) The name and address of the organization to be served; providing details on the purpose of the organization:

*EX 6*

SFEI helps define environmental problems, advance public debate about them through sound science, and support consensus-based solutions that improve environmental planning, management, and policy development.

4) Is this organization a non-profit or not-for-profit organization? Not-for-profit

5) Does this organization have advocacy or financial interests which may be affected by EPA decisions? If so, what is your role in these decisions?

*EX 6* as the potential to have advocacy interests in EPA decisions. I would have ~~no~~ role in these decisions because in my position as an ecologist, I do not set policy for EPA.

6) The term and dates of service/office: 12 months beginning fall 2011



- 7) The estimated amount of duty hours to be devoted to the activity, including the estimated amount of excused leave requested to participate in this activity: Time to participate in three, half-day webinars
- 8) Describe EPA facilities, equipment, supplies and other resources which will be used in the conduct of this activity:  
My office, phone and computer to participate in the webinars, and, rarely, in-bound and out-bound mail.
- 9) Is this organization currently the recipient of an EPA assistance agreement or an EPA contractor? If so, please provide details.  
  
According to the EPA grants information query system ([http://www.epa.gov/enviro/html/gics/gics\\_query.html](http://www.epa.gov/enviro/html/gics/gics_query.html)) there was one cooperative agreement between EPA and *EXB* that was scheduled to end August 2008. In addition a search of the active contracts data base (<http://www.epa.gov/oam/ptod/ek1rptv.pdf>) identified one contract between EPA and *EXB* that was scheduled for completion by July 1, 2011. A listing of the agreement and contract details is attached. In neither of these cases was I a reviewer, project officer, or decision official.
- 10) Describe the facilities, equipment, supplies and other resources which will be provided by the scientific or professional organization in the conduct of this activity: *EXB* will provide the support needed to conduct the webinars.
- 11) Will the conduct of this activity require that you attend and participate in business/organizational meetings of this organization? If so, estimate the amount of time required and the frequency of these meetings. NO
- 12) Will the conduct of the activity require that you represent this organization before any Federal Agencies? If so, please describe your role in doing so. NO
- 13) Will the organization be providing travel expenses to EPA in association with the conduct of this activity? If so, please describe. NO
- 14) Per EPA Ethics Advisory 97-12, employee participation as a member of an editorial board of publication on behalf of professional societies, universities, or other non-profit organizations is typically undertaken as an outside activity. If your request is for this type of participation, please provide a written justification to support undertaking such activity as a part of your official duties. Include impact on resources such as your time and the effect it may have on your programmatic responsibilities. Also include a discussion of the methods used to ensure there was no favoritism involved in the decision to participate in this activity.

A justification is not required for the type of participation for which I am requesting approval.

I did want to comment that one a major reason I want to participate in the Technical Advisory Committee is that it is part of a state-wide effort to implement the monitoring and assessment of wetlands and to use the data in decision making regarding the wise management of aquatic resources. Being part of the Committee would be beneficial to EPA because I would be in the position to hear from some of the leaders in the field of monitoring and assessment at the state level. Participation in this effort could be valuable in providing technical support to Office of Water's National Aquatic Resource Surveys.

jal





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Center for Environmental Assessment

OFFICE OF  
RESEARCH AND DEVELOPMENT

**DATE:** March 12, 2013

**SUBJECT:** Request for Approval to Engage in Outside Activity – writing a reference book on autoimmune disease epidemiology

**FROM:** Exemption 6, PhD (8601P)

**TO:** Debra Walsh  
Deputy Ethics Official (8601P)

**THRU:** Vincent Cogliano  
Acting Director, IRIS (8601P)

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

- 1) **Employee's name, title and grade:** Exemption 6, Epidemiologist, GS-15.
- 2) **Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected:**

To write a reference book on autoimmune disease epidemiology, to be published by: Exemption 6

Compensation would be in the form of a standard book contract (i.e., a set percentage of royalties depending on sales)

3) The name and business of the person or organization for which the work will be done:

*exemption 6*

4) The estimated time to be devoted to the activity (Please indicate exact dates if known.)

Beginning in April 2013, approximately 10-20% time (taken as leave without pay, e.g., 1-2 days a pay period), for up to a 2 year period to complete the main portion of the research and writing.

5) Whether the service will be performed entirely outside of normal duty hours (yes or no)

Yes.

6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.); actual expenses for meeting-related travel, no honorarium or other compensation

Compensation would be in the form of a standard book contract (i.e., a set percentage of royalties depending on sales)

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered—if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.)

There are no assistance agreements or contracts held by *exemption 6*:

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Center for Environmental Assessment

OFFICE OF  
RESEARCH AND DEVELOPMENT

**DATE:** October 1, 2008

**SUBJECT:** Request for Approval to Engage in Official Duties – Professorial Lecturer in the  
Environmental and Occupational Health Department.

*Exemption 6*

**FROM:** *Exemption 6*; PhD (8601P)

**TO:** Peter Preuss  
Deputy Ethics Official (8601P)

**THRU:** Abdel Kadry  
Program Director, IRIS, NCEA (8601P)

I am requesting your approval to participate, as part of my official duties, as a  
“Professorial Lecturer” in the Department of Environmental and Occupational Health of the  
*Exemption 6*. I understand that  
this approval must be obtained in advance of initiating or committing to the performance of this  
activity and is approved only as specified in the information given below or for a period of five  
years.

1) **Employee's name, title and grade:** *Exemption 6*, Epidemiologist, GS14.

2) **Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected:**

I will develop and teach a short course (1/2 semester, 2 hours per week) for advanced students on “Epidemiology and Risk Assessment.” I will also have the opportunity to work with students on research projects. No compensation is to be offered or accepted.

3) **The name and business of the person or organization for which the work will be done:**

*Exemption 6*

mail:



g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

Exemption 6  
Employee's signature

Oct 1, 2008  
Date

2) **DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL \_\_\_\_\_

\_\_\_\_\_  
Date

DISAPPROVAL \_\_\_\_\_

\_\_\_\_\_  
Date





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL EXPOSURE RESEARCH LABORATORY  
Research Triangle Park, NC 27711

Office of  
Research and Development

**MEMORANDUM**

**DATE:** April 8, 2011  
**SUBJECT:** Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity  
**FROM:** exemption b, Microbiologist  
WIPD NB24B  
**TO:** Jonathan Herrmann  
Deputy Ethics Official

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

***[Note: Please do not delete or alter the information requested. Completely answer each item—do not answer “N/A”]***

1) Employee's name, exemption b  
title and grade; Microbiologist GS15

2) Nature of the outside activity, including a full description of the services to be performed—  
The outside activity is to join teams of experts that an organization is putting together to work on some very challenging problems for clients. These teams work in their spare time, and are made up of diverse groups of experts. Compensation is results-based (ie the group is paid if the client

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an **officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker**. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1) **EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biographical details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position*.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL HOMELAND SECURITY RESEARCH CENTER  
CINCINNATI, OHIO 45268

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: March 8, 2013

SUBJECT: Request for Approval to Engage in Outside Employment\* or Other Outside Activity

FROM: *Exemption to*, WIPD NHSRC *EWK*

TO: Gregory Sayles  
Deputy Ethics Official  
National Homeland Security Research Center

THRU: H. D. Alan Lindquist *HAL*  
Acting Director, WIPD, NHSRC

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation including 5 CFR part 2635 and SS 6401.102.

1. Employee's name, title and grade: *exemption to*, Microbiologist GS-15
2. Nature of the outside activity, including a full description of the services to be performed and the amount of compensation\*\* to be expected: **Participate in the interviews for a Microbiologist level IV position fo the Chicago Water Reclamation District. Compensation will consist of travel expenses to and from Chicago, IL, three nights lodging, and an honorarium of approximately**  
*2K6*
3. The name and business of the person or organization for which the work will be done; *EXEMPTION TO*
4. The estimated time to be devoted to the activity; (Please indict exact dates, if known): **April 4 and 5, 2013**

5. Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71): **The service will be performed entirely outside normal duty hours.**
  
6. The basis for compensation (e.g., fee, per diem, per annum, etc.): **travel expenses, lodging and honorarium**
  
7. Identification of any assistance agreements or contracts held by the person to or for whom services will be provided: **none**

\*Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes, but is not limited to, personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production of publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL HOMELAND SECURITY RESEARCH CENTER  
CINCINNATI, OHIO 45268

August 19, 2008

**MEMORANDUM**

**SUBJECT:** Approval to Teach Course at exemption 6

**FROM:** exemption 6, PhD, Environmental Engineer  
Threat and Consequence Division  
National Homeland Security Research Center

**TO:** Jonathan G. Herrmann, Director  
National Homeland Security Research Center

**Purpose**

The purpose of this memorandum is to seek your approval as EPA's Deputy Ethics Official to teach a college graduate-level course during this fall's semester at exemption 6 located in exemption 6. As you know, I am an Environmental Engineer, GS-15, in the Threat and Consequence Assessment Division.

**Background**

I have been invited by the Department of Civil Engineering to teach the class Civil Engineering 242: Principles of Environmental Engineering. The course is offered as part of the regularly established curriculum of the university. It is described in the university's course catalog as:

*"CE 242 Principles of Environmental Engineering: Basic concepts of water, air, and terrestrial environments and interrelationships among them. Principles of environmental chemistry and microbiology, assessment of environmental quality and impacts, environmental health, water and wastewater systems, legal and regulatory controls (Fall)."*

The class is scheduled to meet Thursdays from 3:30 PM – 6:00 PM beginning September 4 and ending December 11, 2008. The course will follow the text book "Introduction to Environmental Engineering and Science" (third edition) by Gilbert M. Masters and Wendell P. Ela. The university has offered me compensation of \$X6 to teach the course.

I have two prior connections with *exb* -- I received my master's degree in environmental engineering from *exb* in 1982; and in 1988 and 1990 I taught environmental engineering classes (with EPA approval).

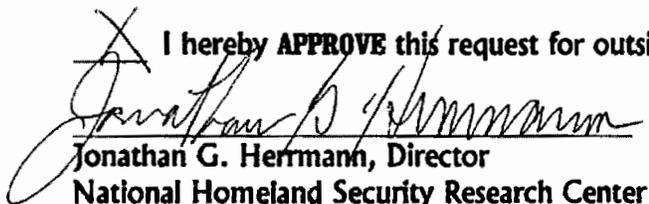
**Controls**

In accordance with federal ethics requirements and EPA policies for outside employment, I will take the following actions to ensure public trust and avoid any appearance of a conflict of interest:

1. I will adjust my work schedule and take annual leave as needed to ensure that all classes will be taught while I am not working at EPA.
2. I will immediately disclose my relationship with *exb* on my financial disclosure form and report the pending income.
3. I have no existing dealings with *exb* as part of my official duties with EPA and will recuse myself from any future dealings with
4. I will ensure that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment.
5. I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations).
6. I will abide by requirements 5 CFR 2635.807(b) with regards to reference to my official position at EPA and ensure that my EPA affiliation will not be given any more prominence than other significant biographical details. I understand that if my EPA affiliation is mentioned by the university, then at least two other non-EPA affiliations should also be mentioned.

**APPROVAL:**

I hereby **APPROVE** this request for outside employment.

  
 Jonathan G. Herrmann, Director  
 National Homeland Security Research Center

*August 25, 2008*  
 \_\_\_\_\_  
 Date

I hereby **DISAPPROVE** this request for outside employment.

\_\_\_\_\_  
 Jonathan G. Herrmann, Director  
 National Homeland Security Research Center

\_\_\_\_\_  
 Date



MEMORANDUM

TO: Jack McGraw, Deputy Ethics Official, USEPA Region VIII

THROUGH: Carol Rushin, Assistant Regional Administrator, Office of Enforcement Compliance and Environmental Justice

FROM: *Et. 6* Deputy Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice, GS-15

SUBJECT: Request for Approval to Engage in Outside Activities

*Rushin 11/7/00*  
*Exemption 6*  
*11/6/00*

This memorandum is to advise you of certain activities I am undertaking and to request your prior approval to participate in these activities. Because of the nature of these activities, it is unclear whether they constitute the practice of a profession, and therefore whether I am required to obtain permission pursuant to 5 CFR 6401.103. Therefore, while it may not be necessary, I am asking for your prior approval to engage in the proceedings and activities described below.

Am requesting that you approve my participation as one of three arbiters on an arbitration panel in the case of *exemption 6*. My participation in this proceeding is to determine the liability, extent of coverage, and potential compensation for an uninsured motorist claim for injuries by the plaintiff against *ex 6*. This proceeding will occur on Dec. 20 and 21, 2000, and my participation in this matter is pursuant to Colorado law regarding arbitration proceedings in insurance claims. My participation is encouraged and sanctioned as part of my professional responsibilities as member of the Colorado Bar Association. At this point in time, compensation for members of this arbitration panel is yet to be determined, as the amount and contribution for compensation is determined during the arbitration proceeding. In any event, compensation would be provided for all members of the panel by the plaintiff and/or the defendant. *exemption 6*. Nevertheless, in no event would such compensation be for matters which relate to my official duties. My participation in this matter will entail approximately 25 hours of time, approximately 18 of which would occur on Dec. 20 and 21, 2000 during which time I would be on annual leave. The remainder of the time dedicated to this activity would occur outside of my regular duty hours.

No official duty time or government property, resources or facilities, not available to the general public, will be used in connection with these activities. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.

cc: David Schachterle  
Tom Speicher

*No problems noted*  
*BRC*  
*11-29-00*

*11-27-00*  
*David,*  
*Jack has no problem with this, but wants your concurrence*  
*Rushin*





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500  
DENVER, COLORADO 80202-2405

CONFIDENTIAL

Ref: 8RC

MEMORANDUM

AUG 13 1991

TO:

*EXEMPTION 6*  
Environmental Scientist

FROM:

*Jack McGraw*  
Deputy Regional Administrator

SUBJECT: Approval of Outside Employment Request

Your request of August 5, 1991, to engage in an outside employment activity has been reviewed and is hereby approved, subject to the limitations noted below. As stated in your memo, the proposed employment activity consists of teaching a course in General Chemistry at *EXEMPTION 6*. This course is a semester-long course and your teaching is being conducted during off-duty hours.

The ethical standards of EPA employees are governed by the regulations at 40 C.F.R. Part 3. Outside employment is addressed at 40 C.F.R. Section 3.500 et seq. Section 3.502 outlines guidelines and limitations for outside employment. Given the nature of this activity, you should pay particular attention to these subsections:

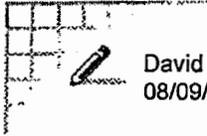
- a) relating to violations of Federal, State, or local statutes, regulations, or ordinances;
- b) relating to acceptance of fees, etc., under circumstances which would result in, or create the appearance of a conflict of interest;
- c) relating to maintaining public confidence in the integrity of the Government or EPA;
- d) involving work with any EPA contractor or subcontractor or any person or organization in a position to gain advantage through the employee's exercise of official duties.
- e,f) relating to use of official time or official facilities, machines, supplies, telephones; or Agency personnel for outside employment activities;

- g) relating to interference with the efficient performance of the employee's governmental duties;
- h) involving use of information obtained as a result of Government employment which has not been made available to the general public.

Additionally, 40 C.F.R. Section 3.505 is applicable to teaching and lecturing. Such activity is permissible if: a) conducted on the employee's own time without the use of Government property or personnel; b) no Governmental travel or per diem funds are used; c) the activity does not involve the use of information obtained as a result of Government employment that has not been made available to the general public; and d) the activities do not involve instruction on dealing with specific matters pending before the EPA and do not substantially focus on EPA programs, responsibilities, or operations.

Finally, due to recent amendments to the Ethics Reform Act, you may continue to teach these courses as long as they remain part of the school's regular curriculum, the courses consist of a series of classes, and the college is accredited.

Please keep this office informed of any change in the nature or scope of your outside employment. If you have any questions or concerns regarding this matter do not hesitate to discuss them with your supervisor or Linda Kato, Assistant Regional Counsel.



David Schachterle  
08/09/2000 07:21 AM

To: *DS* TMS/R8/USEPA/US@EPA  
cc: Tony Meurano/TMS/R8/USEPA/US@EPA, Jack McGraw/RA/R8/USEPA/US@EPA, Trish Botkin/RA/R8/USEPA/US@EPA

Subject: Outside employment--teaching

*DS*--I recieved your *DS* update for Fall and Spring classes. You will be teaching General Chemistry for both semesters.

Since the activity will be performed on your own time, and it does not focus on the activities, programs, operations or procedures of EPA, no additional approval from Jack is necessary.

Please contact me, at 6920, if you have further questions. I thought you were going to teach body piercing and tattoo arts this year.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8  
999 18<sup>TH</sup> STREET - SUITE 500  
DENVER, CO 80202-2466

Ref: 8TMS-Q

MEMORANDUM

SUBJECT: Status of Outside Employment

FROM: *Exemption 6* Ph.D., Environmental Scientist  
Quality Assurance Program

THRU: Tony Medrano, Director *T Medrano*  
Quality Assurance Program *David [unclear]*  
Patricia Hull, Assistant Regional Administrator  
Office of Technical and Management Services

TO: Jack W. McGraw *JW McGraw*  
Deputy Regional Administrator *8-15-01*  
Deputy Ethics Officer

On August 5, 1991, I requested permission to teach a course in General Chemistry at *exemption 6*. The request was reviewed and approved, subject to limitations noted in a memo dated August 13, 1991 (attached).

I plan to teach courses in General Chemistry at *exemption 6* during the Fall 2001 and Spring 2002 semesters. Each of these courses is a semester-long course and my teaching is conducted during off-duty hours. These courses are part of the school's regular curriculum, consist of a series of classes, and the college is accredited. I understand that I am required to comply with all limitations for outside employment, including those specified in your memo of August 13, 1991.

I would like to request that your office contact me if this outside employment is not acceptable or if you need more information.

Thank you.

Attachment

*FRC*  
*recommend approval*  
*DS [unclear]*  
*8/13/01*





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION VIII  
 999 18th STREET - SUITE 500  
 DENVER, COLORADO 80202-2405

CONFIDENTIAL

Ref: 8RC

MEMORANDUM

AUG 13 1991

TO:

*exemption 6*  
 Environmental Scientist

FROM:

*Jack McGraw*  
 Deputy Regional Administrator

SUBJECT: Approval of Outside Employment Request

Your request of August 5, 1991, to engage in an outside employment activity has been reviewed and is hereby approved, subject to the limitations noted below. As stated in your memo, the proposed employment activity consists of teaching a course in General Chemistry at *exemption 6*. This course is a semester-long course and your teaching is being conducted during off-duty hours.

The ethical standards of EPA employees are governed by the regulations at 40 C.F.R. Part 3. Outside employment is addressed at 40 C.F.R. Section 3.500 et seq. Section 3.502 outlines guidelines and limitations for outside employment. Given the nature of this activity, you should pay particular attention to these subsections:

- a) relating to violations of Federal, State, or local statutes, regulations, or ordinances;
- b) relating to acceptance of fees, etc., under circumstances which would result in, or create the appearance of a conflict of interest;
- c) relating to maintaining public confidence in the integrity of the Government or EPA;
- d) involving work with any EPA contractor or subcontractor or any person or organization in a position to gain advantage through the employee's exercise of official duties.
- e,f) relating to use of official time or official facilities, machines, supplies, telephones; or Agency personnel for outside employment activities;





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION VIII  
999 18th STREET - SUITE 500  
DENVER, COLORADO 80202-2405

CONFIDENTIAL

Ref: 8RC

MEMORANDUM

AUG 13 1991

TO: *Exemption 6*  
Environmental Scientist

FROM: *Jack McGraw*  
Deputy Regional Administrator

SUBJECT: Approval of Outside Employment Request

Your request of August 5, 1991, to engage in an outside employment activity has been reviewed and is hereby approved, subject to the limitations noted below. As stated in your memo, the proposed employment activity consists of teaching a course in General Chemistry at *Exemption 6*. This course is a semester-long course and your teaching is being conducted during off-duty hours.

The ethical standards of EPA employees are governed by the regulations at 40 C.F.R. Part 3. Outside employment is addressed at 40 C.F.R. Section 3.500 et seq. Section 3.502 outlines guidelines and limitations for outside employment. Given the nature of this activity, you should pay particular attention to these subsections:

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- b) relating to acceptance of fees, etc., under circumstances which would result in, or create the appearance of a conflict of interest;
- c) relating to maintaining public confidence in the integrity of the Government or EPA;
- d) involving work with any EPA contractor or subcontractor or any person or organization in a position to gain advantage through the employee's exercise of official duties.
- e, f) relating to use of official time or official facilities, machines, supplies, telephones; or Agency personnel for outside employment activities;

- g) relating to interference with the efficient performance of the employee's governmental duties;
- h) involving use of information obtained as a result of Government employment which has not been made available to the general public.

Additionally, 40 C.F.R. Section 3.505 is applicable to teaching and lecturing. Such activity is permissible if: a) conducted on the employee's own time without the use of Government property or personnel; b) no Governmental travel or per diem funds are used; c) the activity does not involve the use of information obtained as a result of Government employment that has not been made available to the general public; and d) the activities do not involve instruction on dealing with specific matters pending before the EPA and do not substantially focus on EPA programs, responsibilities, or operations.

Finally, due to recent amendments to the Ethics Reform Act, you may continue to teach these courses as long as they remain part of the school's regular curriculum, the courses consist of a series of classes, and the college is accredited.

Please keep this office informed of any change in the nature or scope of your outside employment. If you have any questions or concerns regarding this matter do not hesitate to discuss them with your supervisor or Linda Kato, Assistant Regional Counsel.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION 8  
 999 18<sup>TH</sup> STREET - SUITE 300  
 DENVER, CO 80202-2466  
 Phone 800-227-8917  
<http://www.epa.gov/region08>

Ref: 8TMS-Q

MEMORANDUM

SUBJECT: Status of Outside Employment

FROM: exemption 6, Ph.D., Environmental Scientist  
 Quality Assurance Program

exemption 6

THRU: Tony Medrano, Director  
 Quality Assurance Program T. Medrano  
Patricia D. Hull  
 Patricia Hull, Assistant Regional Administrator  
 Office of Technical and Management Services

TO: Robbie Roberts  
 Regional Administrator

On August 5, 1991, I requested permission to teach a course in General Chemistry at exemption 6. The request was reviewed and approved, subject to limitations noted in a memo dated August 13, 1991 (attached).

I plan to teach courses in General Chemistry at exemption 6 during the Fall 2003 and Spring 2004 semesters. Each of these courses is a semester-long course and my teaching is conducted during off-duty hours. These courses are part of the school's regular curriculum, consist of a series of classes, and the college is accredited. I understand that I am required to comply with all limitations for outside employment, including those specified in your memo of August 13, 1991.

I would like to request that your office contact me if this outside employment is not acceptable or if you need more information.

Thank you.

Attachment

OK  
 SRC  
 [Signature]  
 102





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8  
999 18<sup>TH</sup> STREET - SUITE 500  
DENVER, CO 80202-2466

Ref: 8TMS-Q

JUN 25 2002

MEMORANDUM

SUBJECT: Status of Outside Employment

FROM: *exemption 6* Ph.D. Environmental Scientist  
Quality Assurance Program *M. Gillis*

THRU: Tony Medrano, Director *T. Medrano*  
Quality Assurance Program  
Patricia Hull, Assistant Regional Administrator  
Office of Technical and Management Services *Patricia D. Hull*

TO: Jack W. McGraw  
Deputy Regional Administrator  
Deputy Ethics Officer

On August 5, 1991, I requested permission to teach a course in General Chemistry at *exemption 6*. The request was reviewed and approved, subject to limitations noted in a memo dated August 13, 1991 (attached).

I plan to teach courses in General Chemistry at *exemption 6* during the Fall 2002 and Spring 2003 semesters. Each of these courses is a semester-long course and my teaching is conducted during off-duty hours. These courses are part of the school's regular curriculum, consist of a series of classes, and the college is accredited. I understand that I am required to comply with all limitations for outside employment, including those specified in your memo of August 13, 1991.

I would like to request that your office contact me if this outside employment is not acceptable or if you need more information.

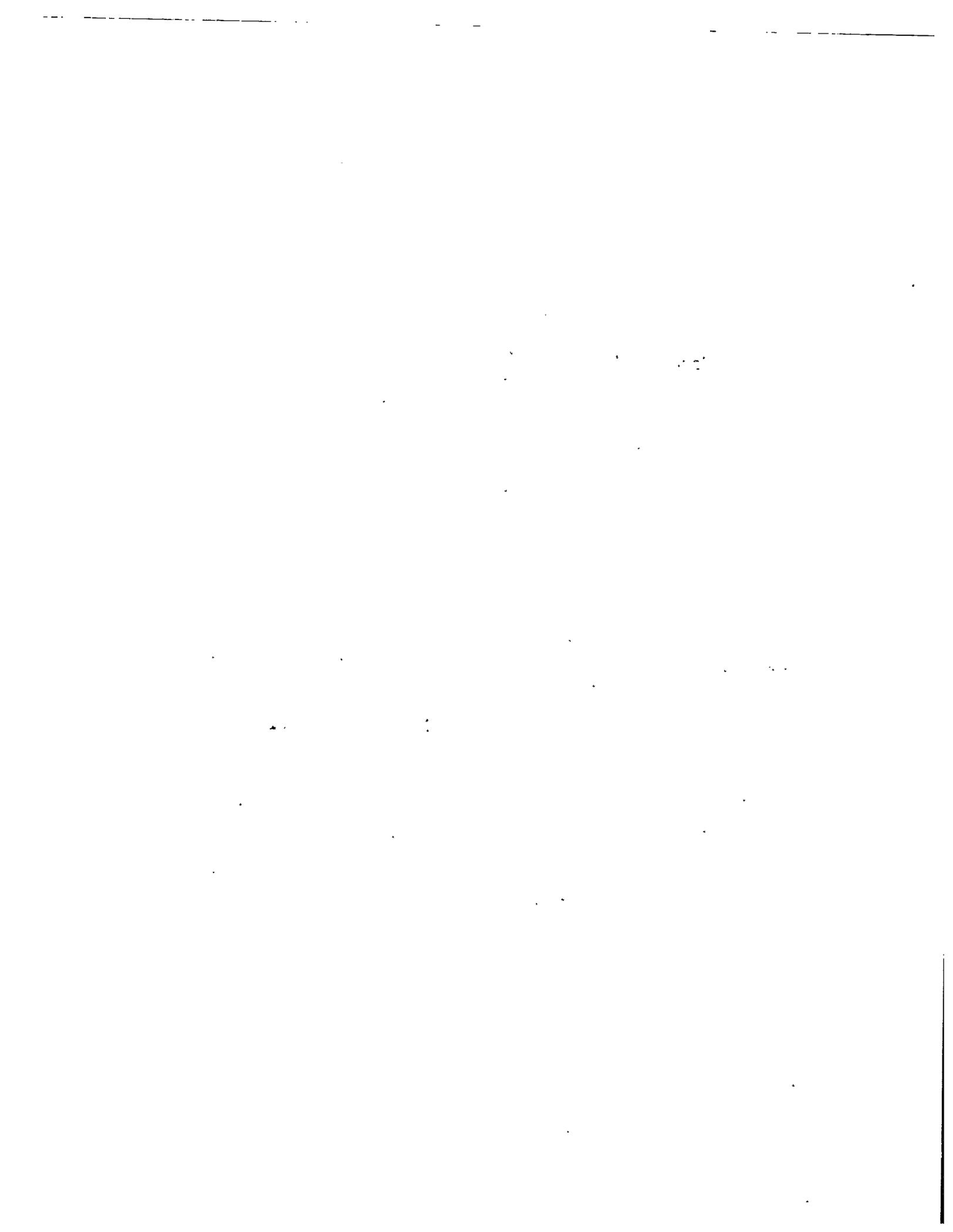
Thank you.

Attachment

*No issues  
SBC  
Schahtal  
7-7-02*

*J. W. McGraw*







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8  
999 18<sup>TH</sup> STREET - SUITE 500  
DENVER, CO 80202-2466

8ENF-T

AUG 12 1999

MEMORANDUM

SUBJECT: Status of ~~Outside~~ Employment

FROM: *exemption 6* Ph.D., Environmental Scientist  
Technical Enforcement Program

THRU: Diane L. Sipe, Director *ds*  
Technical Enforcement Program

Carol Rushin, Assistant Regional Administrator  
Office of Enforcement, Compliance  
and Environmental Justice *CR*

TO: Jack W. McGraw  
Deputy Regional Administrator  
Deputy Ethics Officer

On August 5, 1991, I requested permission to teach a course in General Chemistry at *exemption 6*. The request was reviewed and approved, subject to limitations noted in a memo dated August 13, 1991 (attached).

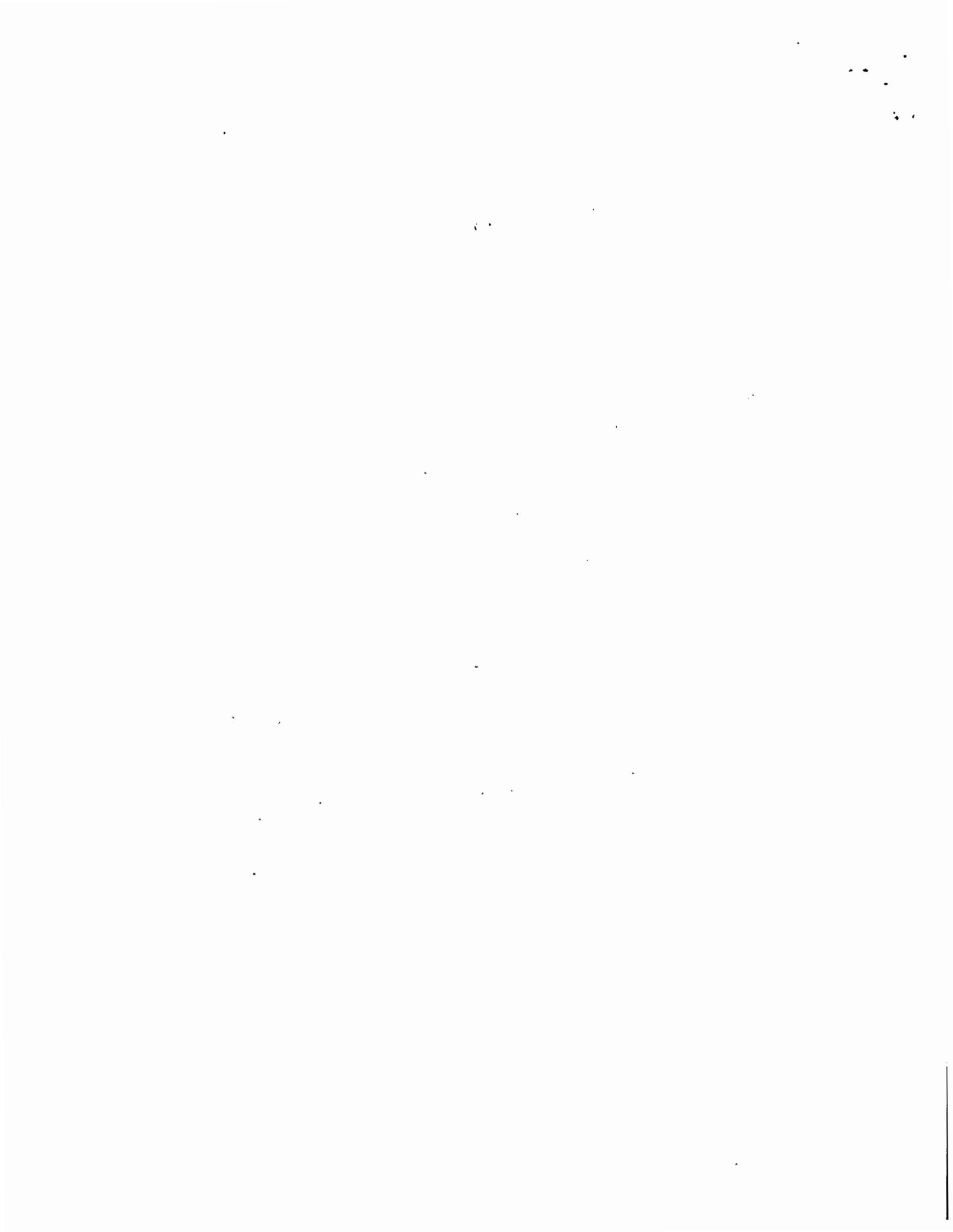
I plan to teach courses in General Chemistry at *exemption 6* during the Fall 1999 and Spring 2000 semesters. Each of these courses is a semester-long course and my teaching is conducted during off-duty hours. These courses are part of the school's regular curriculum, consist of a series of classes, and the college is accredited. I understand that I am required to comply with all limitations for outside employment, including those specified in your memo of August 31, 1991.

I would like to request that your office contact me if this outside employment is not acceptable or if you need more information.

Thank you.

Attachment







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION VIII  
999 18th STREET - SUITE 500  
DENVER, COLORADO 80202-2405

CONFIDENTIAL

Ref: 8RC

MEMORANDUM

AUG 13 1991

TO: *Exemption 6*  
Environmental Scientist

FROM: *Jack McGraw*  
Deputy Regional Administrator

SUBJECT: Approval of Outside Employment Request

Your request of August 5, 1991, to engage in an outside employment activity has been reviewed and is hereby approved, subject to the limitations noted below. As stated in your memo, the proposed employment activity consists of teaching a course in General Chemistry at *Exemption 6*. This course is a semester-long course and your teaching is being conducted during off-duty hours.

The ethical standards of EPA employees are governed by the regulations at 40 C.F.R. Part 3. Outside employment is addressed at 40 C.F.R. Section 3.500 et seq. Section 3.502 outlines guidelines and limitations for outside employment. Given the nature of this activity, you should pay particular attention to these subsections:

- a) relating to violations of Federal, State, or local statutes, regulations, or ordinances;
- b) relating to acceptance of fees, etc., under circumstances which would result in, or create the appearance of a conflict of interest;
- c) relating to maintaining public confidence in the integrity of the Government or EPA;
- d) involving work with any EPA contractor or subcontractor or any person or organization in a position to gain advantage through the employee's exercise of official duties.
- e,f) relating to use of official time or official facilities, machines, supplies, telephones; or Agency personnel for outside employment activities;

- g) relating to interference with the efficient performance of the employee's governmental duties;
- h) involving use of information obtained as a result of Government employment which has not been made available to the general public.

Additionally, 40 C.F.R. Section 3.505 is applicable to teaching and lecturing. Such activity is permissible if: a) conducted on the employee's own time without the use of Government property or personnel; b) no Governmental travel or per diem funds are used; c) the activity does not involve the use of information obtained as a result of Government employment that has not been made available to the general public; and d) the activities do not involve instruction on dealing with specific matters pending before the EPA and do not substantially focus on EPA programs, responsibilities, or operations.

Finally, due to recent amendments to the Ethics Reform Act, you may continue to teach these courses as long as they remain part of the school's regular curriculum, the courses consist of a series of classes, and the college is accredited.

Please keep this office informed of any change in the nature or scope of your outside employment. If you have any questions or concerns regarding this matter do not hesitate to discuss them with your supervisor or Linda Kato, Assistant Regional Counsel.

David  
Schachterle/RC/R8/USEPA/US  
S  
09/17/2007 08:59 AM

To *DSV* /P2/R8/USEPA/US,  
cc Kerry Clough/RA/R8/USEPA/US, Linda  
Wolfe/RA/R8/USEPA/US, Jack Rychecky/P2/R8/USEPA/US,

bcc

Subject Outside Activity request- teaching

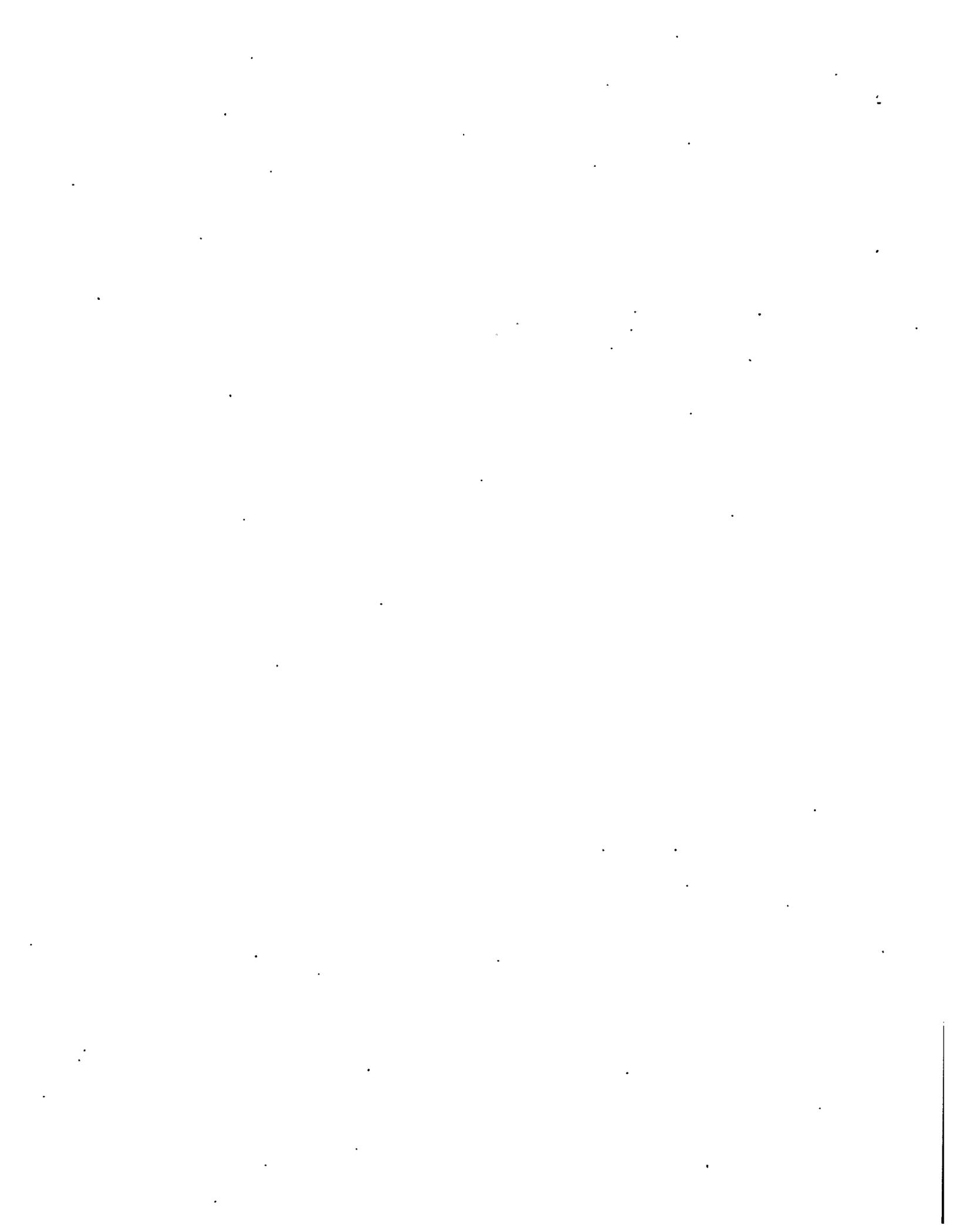
I have been provided with your request for approval of an outside activity which involves teaching courses in General Chemistry for *EXEMPTION 6* You have been teaching similar courses since 1991 and this request simply updates this information.

While approval for teaching courses such as this is not required, your outside activity is not inconsistent with your EPA duties and is hereby approved. The EPA supplemental ethics regulations do not require outside activity approval for this matter. See 5 CFR 6401.103.

Thank you for keeping your managers and ethics officials informed of this outside activity.

Please do not hesitate to contact me should you have any questions concerning this matter.

David Schachterle  
Associate Regional Counsel  
US Environmental Protection Agency, Region 8  
1595 Wynkoop Street  
Denver, Colorado 80202-1129  
303/312-6920  
303/312-6859 (Fax)





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
http://www.epa.gov/region08

Ref: 8P-W-DW

MEMORANDUM

SUBJECT: Status of Outside Employment

FROM: ~~EXEMPTION 6~~, Ph.D., Team Leader  
Drinking Water Unit

*J.H. Kellis*

THRU: Jack A. Rychecky, Chief  
Drinking Water Unit

*OK JR*

Debra H. Thomas, Director, Water Program  
Office of Partnerships and Regulatory Assistance

*Debra H. Thomas 8/27/07*

Steve Tuber, Assistant Regional Administrator  
Office of Partnerships and Regulatory Assistance

*Steve Tuber 8/27/07*

TO: Robbie Roberts  
Regional Administrator

On August 5, 1991, I requested permission to teach a course in General Chemistry at ~~EXEMPTION 6~~. The request was reviewed and approved, subject to limitations noted in a memo dated August 13, 1991 (attached).

I plan to teach courses in General Chemistry at ~~EXEMPTION 6~~ during the Fall 2007 and Spring 2008 semesters. Each of these courses is a semester-long course and my teaching is conducted during off-duty hours. These courses are part of the school's regular curriculum, consist of a series of classes, and the college is accredited. I understand that I am required to comply with all limitations for outside employment, including those specified in your memo of August 13, 1991.

I would like to request that your office contact me if this outside employment is not acceptable or if you need more information.

Thank you.

Attachment





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION VIII  
999 18th STREET - SUITE 500  
DENVER, COLORADO 80202-2405

CONFIDENTIAL

Ref: 8RC

MEMORANDUM

AUG 13 1991

TO: exemption 6  
Environmental Scientist

FROM: Jack McGraw  
Deputy Regional Administrator

SUBJECT: Approval of Outside Employment Request

Your request of August 5, 1991, to engage in an outside employment activity has been reviewed and is hereby approved, subject to the limitations noted below. As stated in your memo, the proposed employment activity consists of teaching a course in General Chemistry at exemption 6. This course is a semester-long course and your teaching is being conducted during off-duty hours.

The ethical standards of EPA employees are governed by the regulations at 40 C.F.R. Part 3. Outside employment is addressed at 40 C.F.R. Section 3.500 et seq. Section 3.502 outlines guidelines and limitations for outside employment. Given the nature of this activity, you should pay particular attention to these subsections:

- a) relating to violations of Federal, State, or local statutes, regulations, or ordinances;
- b) relating to acceptance of fees, etc., under circumstances which would result in, or create the appearance of a conflict of interest;
- c) relating to maintaining public confidence in the integrity of the Government or EPA;
- d) involving work with any EPA contractor or subcontractor or any person or organization in a position to gain advantage through the employee's exercise of official duties.
- e, f) relating to use of official time or official facilities, machines, supplies, telephones; or Agency personnel for outside employment activities;

- g) relating to interference with the efficient performance of the employee's governmental duties;
- h) involving use of information obtained as a result of Government employment which has not been made available to the general public.

Additionally, 40 C.F.R. Section 3.505 is applicable to teaching and lecturing. Such activity is permissible if: a) conducted on the employee's own time without the use of Government property or personnel; b) no Governmental travel or per diem funds are used; c) the activity does not involve the use of information obtained as a result of Government employment that has not been made available to the general public; and d) the activities do not involve instruction on dealing with specific matters pending before the EPA and do not substantially focus on EPA programs, responsibilities, or operations.

Finally, due to recent amendments to the Ethics Reform Act, you may continue to teach these courses as long as they remain part of the school's regular curriculum, the courses consist of a series of classes, and the college is accredited.

Please keep this office informed of any change in the nature or scope of your outside employment. If you have any questions or concerns regarding this matter do not hesitate to discuss them with your supervisor or Linda Kato, Assistant Regional Counsel.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

Ref: 8P-W-DW

**MEMORANDUM**

SUBJECT: Status of Outside Employment

FROM: exemption 6 Ph.D., Team Leader exemption 6  
Drinking Water Unit

THRU: Jack A. Rychucky, Chief JAR  
Drinking Water Unit

Sadie Hoskie, Director  
Water Program

Steve Tuber, Assistant Regional Administrator  
Office of Partnerships and Regulatory Assistance

TO: Carol Rushin  
Acting Regional Administrator

On August 5, 1991, I requested permission to teach a course in General Chemistry at exemption 6. The request was reviewed and approved, subject to limitations noted in a memo dated August 13, 1991 (attached).

I plan to teach courses in General Chemistry at exemption 6 during the fall 2008 and spring 2009 semesters. Each of these courses is a semester-long course and my teaching is conducted during off-duty hours. These courses are part of the school's regular curriculum, consist of a series of classes, and the college is accredited. I understand that I am required to comply with all limitations for outside employment, including those specified in the memo of August 13, 1991.

I would like to request that your office contact me if this outside employment is not acceptable or if you need more information.

Thank you.

Attachment  
updated & printed  
No action is necessary  
SRC  
Scheduled  
7/16/08  
sent email to  
John Calkins 7/16/08





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION VIII  
999 18th STREET - SUITE 500  
DENVER, COLORADO 80202-2405

CONFIDENTIAL

Ref: 8RC

MEMORANDUM

AUG 13 1991

TO: *Exemption 6*  
Environmental Scientist

FROM: *Jack McGraw*  
Deputy Regional Administrator

SUBJECT: Approval of Outside Employment Request

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Finally, due to recent amendments to the Ethics Reform Act, you may continue to teach these courses as long as they remain part of the school's regular curriculum, the courses consist of a series of classes, and the college is accredited.

Please keep this office informed of any change in the nature or scope of your outside employment. If you have any questions or concerns regarding this matter do not hesitate to discuss them with your supervisor or Linda Kato, Assistant Regional Counsel.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION VIII  
999 18th STREET - SUITE 500  
DENVER, COLORADO 80202-2405

CONFIDENTIAL

Ref: 8RC

MEMORANDUM

TO: *exemption*  
Environmental Scientist

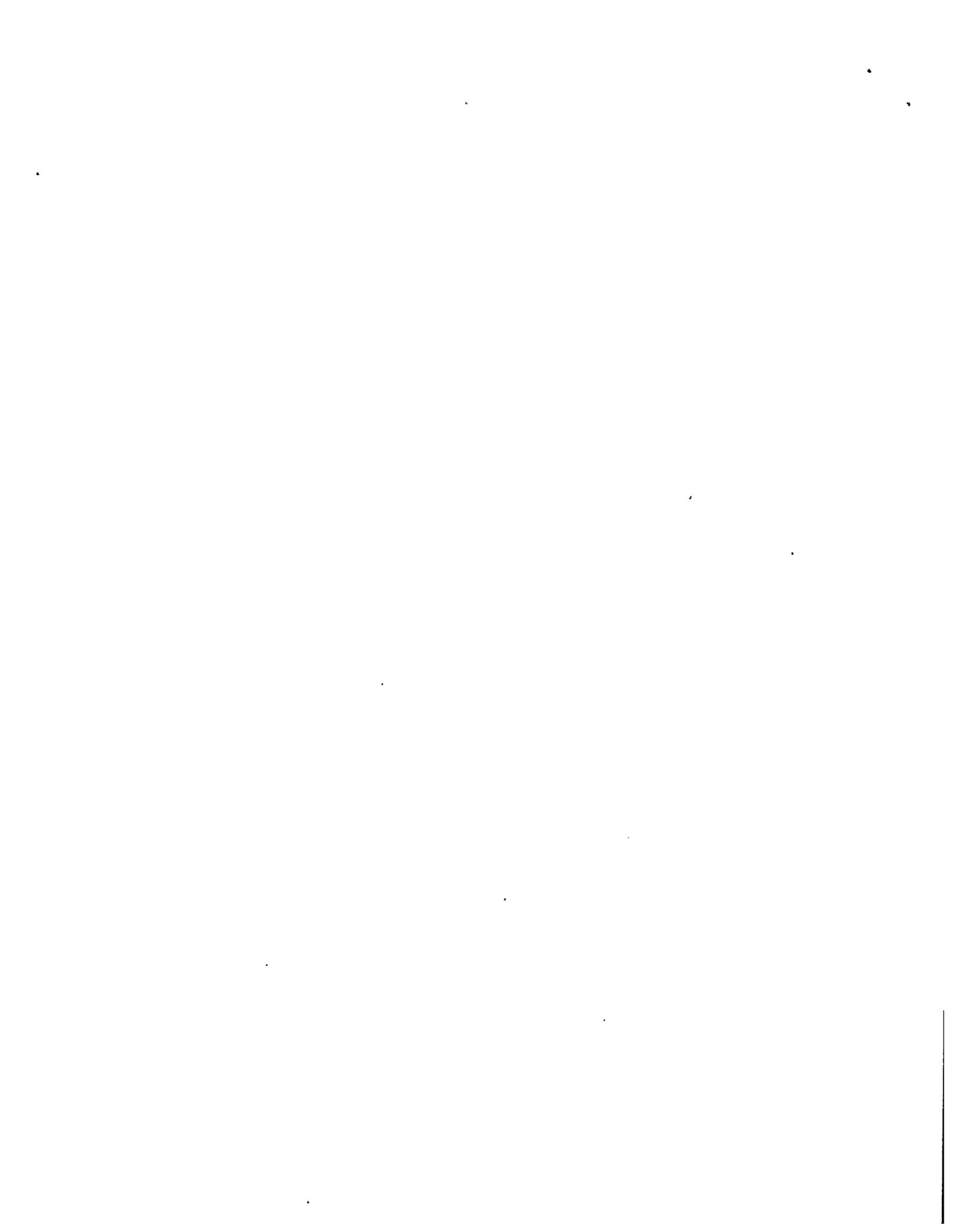
FROM: Jack McGraw  
Deputy Regional Administrator

SUBJECT: Approval of Outside Employment Request

Your request of August 5, 1991, to engage in an outside employment activity has been reviewed and is hereby approved, subject to the limitations noted below. As stated in your memo, the proposed employment activity consists of teaching a course in General Chemistry at *exemption*. This course is a semester-long course and your teaching is being conducted during off-duty hours.

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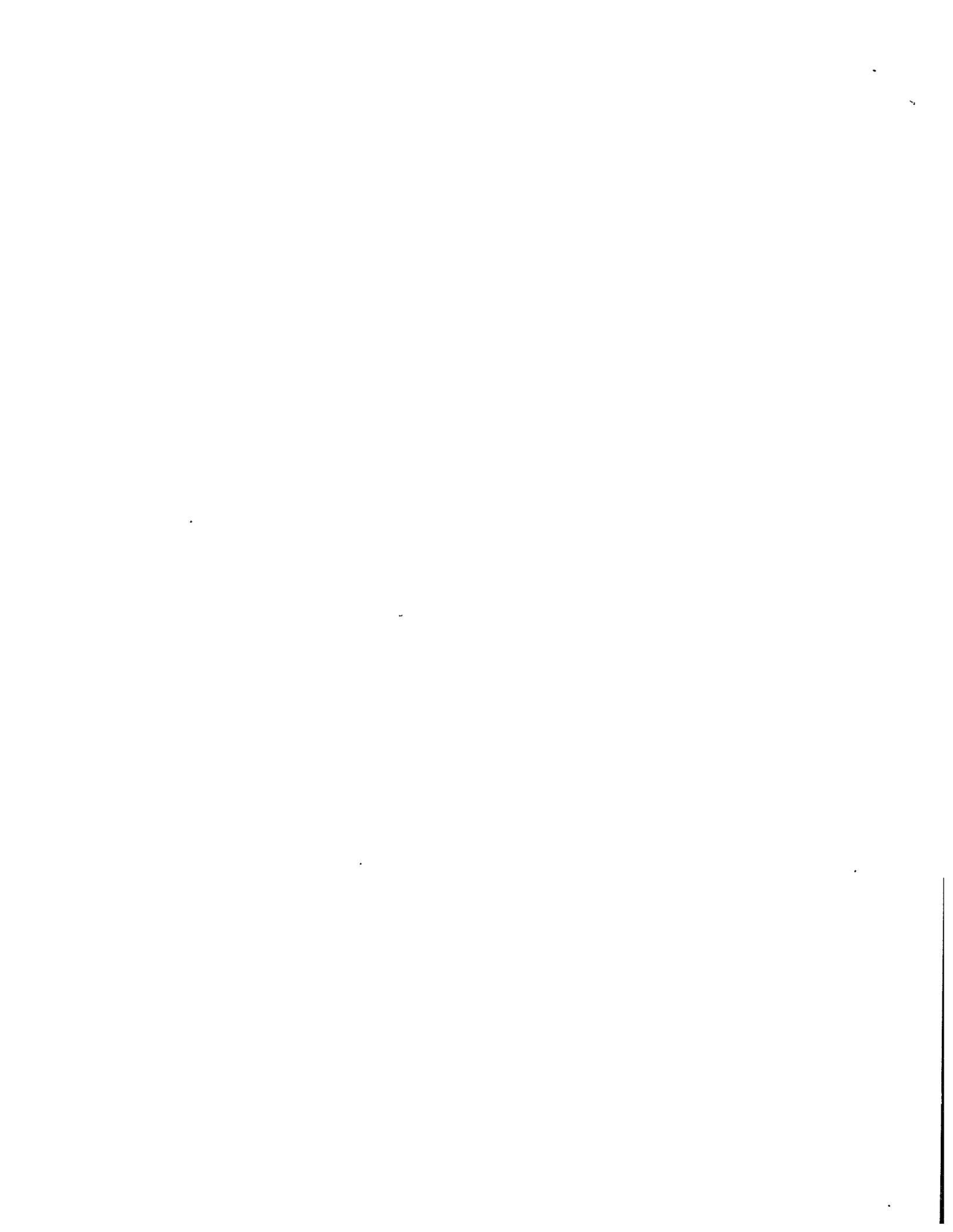


- g) relating to interference with the efficient performance of the employee's governmental duties;
- h) involving use of information obtained as a result of Government employment which has not been made available to the general public.

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Please keep this office informed of any change in the nature or scope of your outside employment. If you have any questions or concerns regarding this matter do not hesitate to discuss them with your supervisor or Linda Kato, Assistant Regional Counsel.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500  
DENVER, COLORADO 80202-2405

AUG 5 1991

Ref: 8WM-DW-PWSIE

MEMORANDUM

SUBJECT: Outside Employment

FROM: *Exemption 6*  
Environmental Scientist

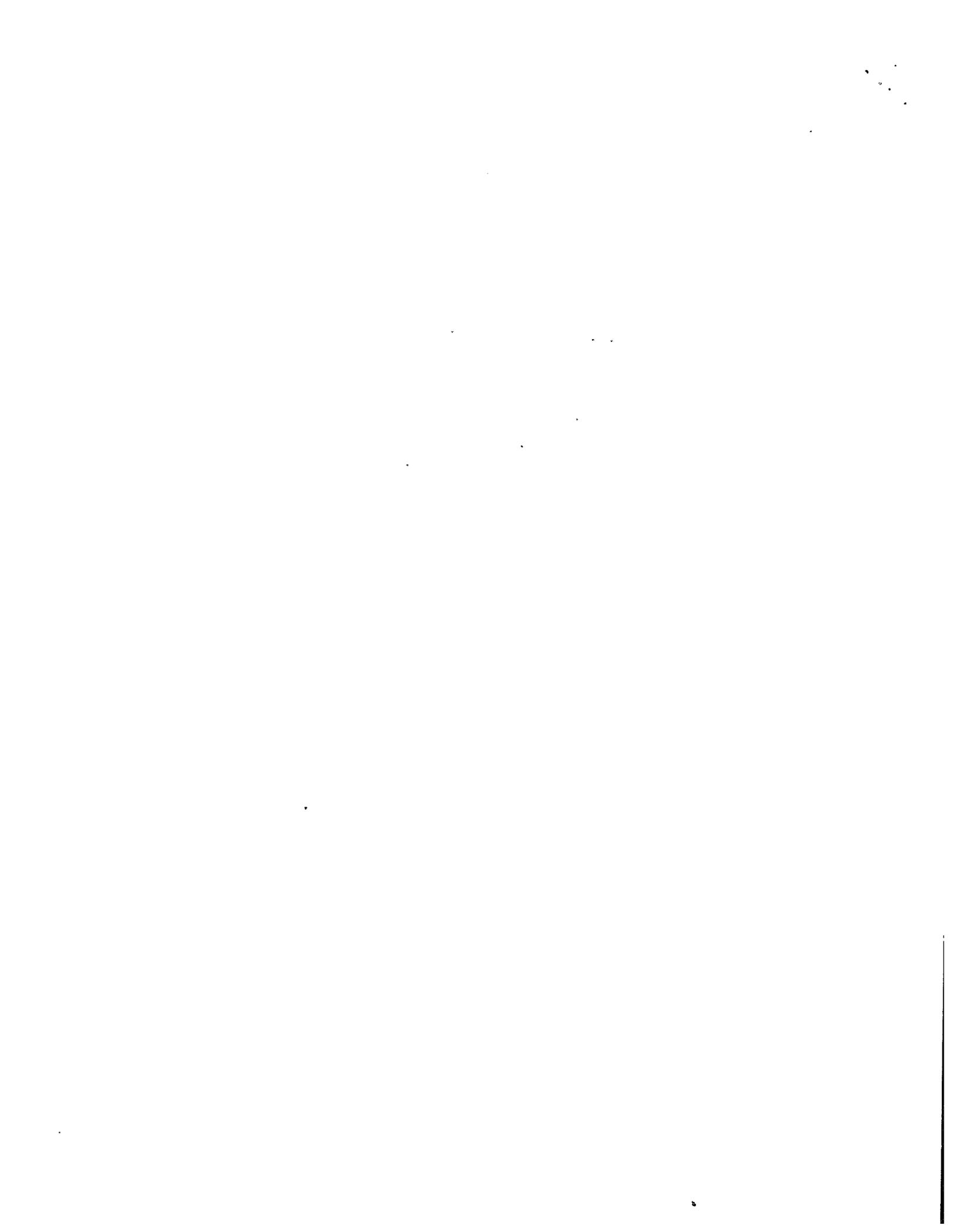
TO: Jack W. McGraw  
Deputy Regional Administrator

I would like to request permission to work as an instructor in General Chemistry at *Exemption 6*. This course is one that is offered at *Ex 6* each semester and is an accredited course in the Arts and Sciences curriculum. This work would be conducted exclusively on my own time and would not interfere with my duties for the U.S. EPA. The starting date is about September 3, 1991 and the course would be completed just prior to Christmas.

cc: L. Kato

80 EPA 2-307

91051178





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18<sup>TH</sup> STREET- SUITE 300

DENVER, CO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: 8ENF-L

June 16, 2005

SUBJECT: Outside Teaching Activities of exemption 6

FROM: exemption 6 Enforcement Attorney  
Legal Enforcement Program

THRU: Michael T. Risner, Director *MTR*  
David J. Janik, Supervisory Enforcement Attorney *djjanik*  
Legal Enforcement Program

THRU: David Schachterle *DS*  
Associate Regional Counsel for Ethics Issues

TO: Kerry Clough  
Deputy Regional Administrator & Ethics Official

The purpose of this memo is to provide details on and seek formal approval for Andrea Madigan to teach a course for the exemption 6

Name/title/grade: exemption 6 Enforcement Attorney, GS14

**Nature of Outside Activity/Name of Organization:**

I wish to teach a course on Environmental Law to be offered during the Fall 2005 term at 6:00 p.m. on Monday and Wednesday evenings through the exemption 6

**Time Commitments:**

As an evening course, class hours will not take place during normal duty hours. The content of the course falls within my current range of knowledge, so minimal reading/class preparation time will be required. A small amount of time may be spent interacting with students and co-instructors during normal duty hours.

**Compensation:**

The stipend for teaching this course is \$2600. This is consistent with what other adjunct instructors are paid for teaching.

Approved: *Kerry Clough*  
Kerry Clough  
Deputy Regional Administrator  
And Ethics Official

6-22-05  
Date

Disapproved: \_\_\_\_\_  
Kerry Clough  
Deputy Regional Administrator  
And Ethics Official

\_\_\_\_\_  
Date

Reason for Disapproval:

*Recommend approved*  
*Det. [Signature]*  
SRC  
6/21/05



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

Ref: 8ENF-L

SUBJECT: Outside Teaching Activities of *exemption 6*

FROM: *ex b* Supervisory Attorney  
Legal Enforcement Program

THRU: Matthew Cohn, Director *we*  
Legal Enforcement Program

THRU: Michael Gleason  
Associate Regional Counsel for Ethics Issues

TO: Howard Cantor  
Deputy Regional Administrator and Ethics Official

The purpose of this memorandum is to seek approval to teach an environmental law course for the Missouri University of Science and Technology through its distance learning program. The course is a general survey course on environmental law and will not involve the sharing of any non-public EPA information. I have read, am familiar with and will abide by the restrictions described in 5 CFR part 2635 and § 6401.102.

Name/title/grade: *exemption 6* supervisory Attorney, GS 15

Nature of Outside Activity/Name of Organization: Instructor for the *exemption 6*  
Science and Technology teaching environmental law spring semester 2014 for the Department of Civil, Architectural and Environmental Engineering

Time Commitments: This is an evening course. Class hours and preparation time will occur outside normal duty hours. No official duty time or government property, resource or facilities not available to the general public will be used in connection with this activity.

Compensation: Approximately *exemption 6*

Approved: *Howard Cantor*  
Howard Cantor  
Deputy Regional Administrator and  
Ethics Official

*6/19/13*  
Date



Printed on Recycled Paper



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
http://www.epa.gov/region08

Ref: 8ENF-L

SUBJECT: Outside Teaching Activities of

FROM: *Exemption* Supervisory Attorney *Ex 6*  
Legal Enforcement Program

THRU: Matthew Cohn, Director *MC*  
Legal Enforcement Program

THRU: Michael Gleason *MG*  
Associate Regional Counsel for Ethics Issues

TO: Howard Cantor  
Deputy Regional Administrator & Ethics Official

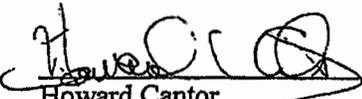
The purpose of this memorandum is to seek formal approval to teach an environmental law course for the *Ex 6* Science and Technology through its distance learning program. This course is a general survey course on environmental law and will not involve the sharing of any non-public EPA information. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and § 6401.102.

Name/title/grade: *Ex 6* Supervisory Attorney, GS15

Nature of Outside Activity/Name of Organization: Instructor for the *Ex 6* of Science and Technology teaching environmental law spring semester 2013 for the Department of Civil, Architectural and Environmental Engineering

Time Commitments: This is an evening course. Class hours and preparation time will occur outside normal duty hours. No official duty time or government property, resources, or facilities not available to the general public will be used in connection with this activity.

Compensation: Compensation will be *Ex 6*

Approved:   
Howard Cantor  
Deputy Regional Administrator  
and Ethics Official

11/15/12  
Date



Printed on Recycled Paper



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION VIII  
999 18th STREET - SUITE 500  
DENVER, COLORADO 80202-2466

September 28, 1998

Ref: 8ENF-L

MEMORANDUM

SUBJECT: Employment Outside EPA

FROM: *exemption 6*  
Enforcement Attorney

THRU: Michael T. Risner, Director *MTR*  
Legal Enforcement Program

David L. Schachterle *DSL*  
Assistant Regional Counsel *9/29/98*

TO: Jack W. McGraw  
Deputy Regional Administrator

I hereby request your approval to engage in temporary employment outside the offices of EPA. I have been asked to be an instructor in *exemption 6* "Region-Based Legal Secretary Certificate Program." The course of instruction runs from September 16, 1998 through May 12, 1998 and each class is held in the evening from 6:00 - 9:00 p.m. *exemption 6* Extended Studies, has requested that I be the instructor on November 18, 1998 for the certificate program's 3-hour session "Overview of the Legal System." That session will "introduce the legal, court and judicial structure with an overview of specialty areas of law."

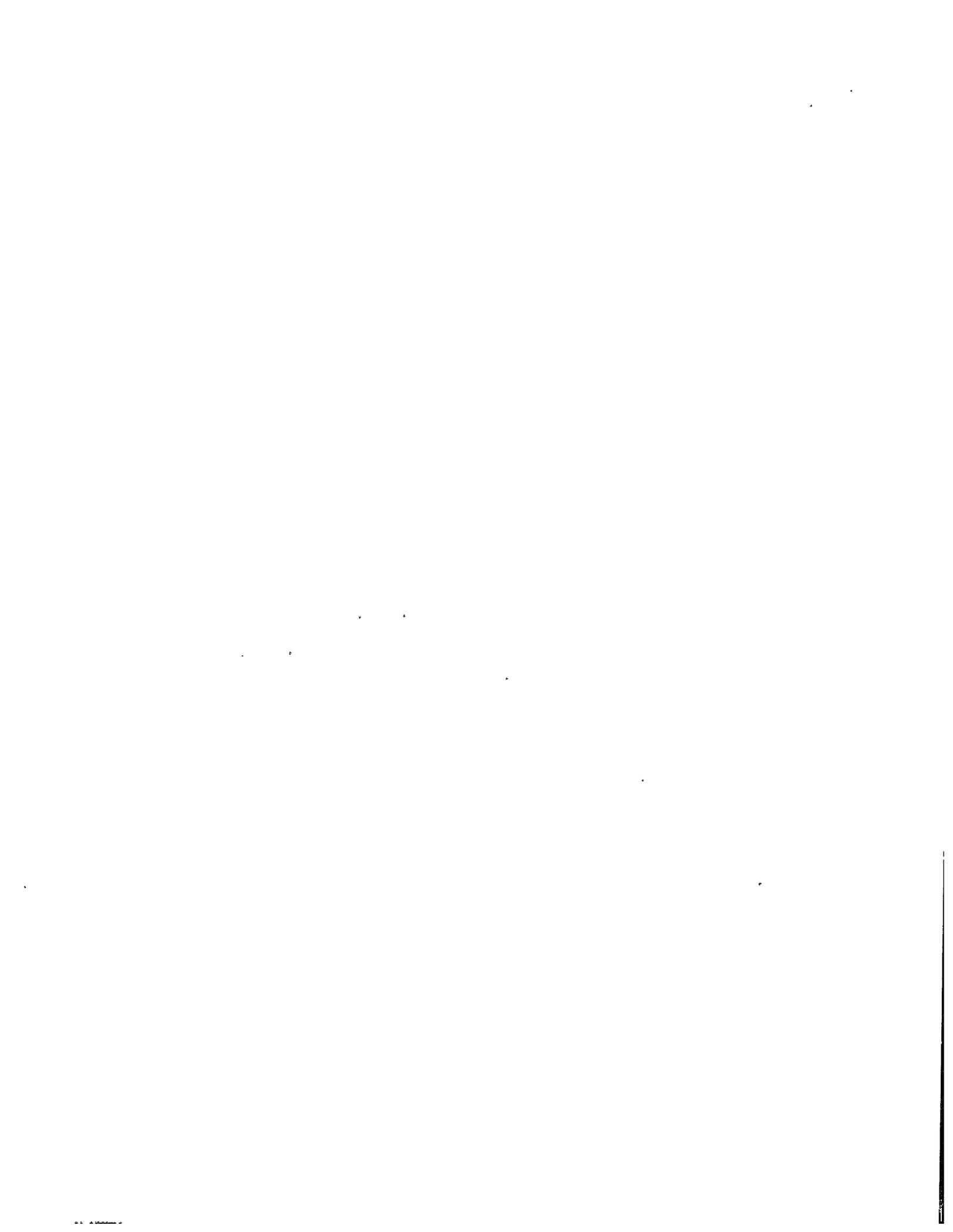
I will be paid *OK* and do not anticipate any conflicts with my employment at EPA. Since the class will be in the evening, I will not need to take any leave. Additionally, no EPA resources, time, equipment or material will be used in preparation for or in presenting the 3-hour class. If you have any questions, please call me at 6916. Thank you.

APPROVE:  
*Jack W. McGraw*  
\_\_\_\_\_  
Jack W. McGraw

*9/29/98*  
\_\_\_\_\_  
Date

DISAPPROVE:  
\_\_\_\_\_  
Jack W. McGraw

\_\_\_\_\_  
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

OCT 22 2013

MEMORANDUM

SUBJECT: Approval for Outside Employment

FROM: *EX 6* Director  
Water Technical Enforcement Program  
Office of Enforcement, Compliance  
And Environmental Justice

THRU: Andrew M. Gaydos, Assistant Regional Administrator  
Office of Enforcement, Compliance  
And Environmental Justice

TO: Howard Cantor, Deputy Regional Administrator  
Deputy Ethics Official  
U.S. EPA-Region 8

I hereby request approval for outside employment as an "affiliate faculty member" of *EXEMPTION 6*  
(University).

In this regard, I have received an offer of employment as an affiliate instructor in the University's Department of Chemistry. I expect my first formal class would be during the spring 2014 semester. The class I intend to teach is titled: "Fundamentals of Chemistry", which will be unrelated to my official EPA duties. The Fundamentals of Chemistry class is an introductory to chemistry class designed for students that have an interest in chemistry or need to review and update their chemistry knowledge prior to enrolling in advanced chemistry classes. The class will not include any discussion related to my EPA duties, such as environmental enforcement, Clean Water Act enforcement or Safe Drinking Water Act enforcement.

The teaching position is a part-time position and the class will be prepared and taught entirely outside of my normal EPA duty hours. I expect to spend approximately 16 hours per week on developing, preparing and teaching the class. No official duty time or government property, resources, or facilities not available to the general public will be used in connection with this outside employment.

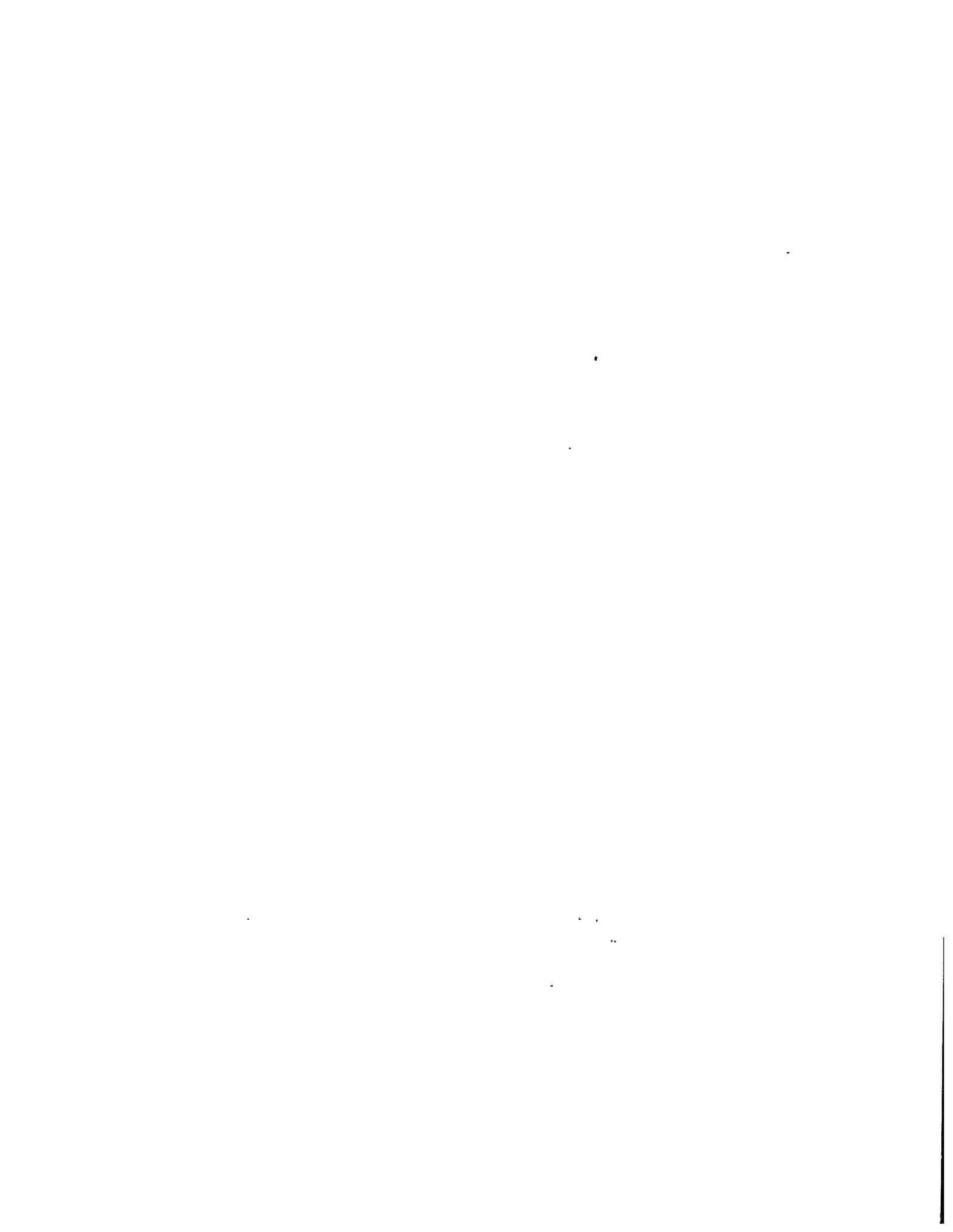
I expect to be paid on a per-class basis by the University, in accordance with that institution's regular affiliate faculty course contract. The expected compensation is *EX 6* for the spring 2014 semester. I have read, and I am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and Section 6401.102 (EPA's Supplemental Regulations).

I am unaware of any EPA assistance agreements or contracts held by the University.

Approved: *Howard Cantor*

Howard Cantor

Date: *10/24/13*





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION VIII  
 999 18th STREET - SUITE 500  
 DENVER, COLORADO 80202-2466

JUL 7 1994

Ref: 8RC

**MEMORANDUM**

TO: Thomas A. Speicher  
 Regional Counsel

FROM: *EX 6* Chief *[Signature]*  
 Toxics and Hazardous Waste Section

SUBJECT: Request to Provide Pro Bono Legal Assistance via the Boulder  
 County Bar Association

I would like to take pro bono appointments from the Boulder County Bar Association in domestic relations cases. I have taken CLE training in this area and I have been appointed a mentor from the Boulder County Bar Association for this purpose.

At no time would I perform any pro bono services from the EPA workplace. I would recuse myself in any matter that presented the potential for a conflict of interest. I believe the likelihood of conflict of interest is very remote given the separation between environmental regulatory law enforcement and domestic relations.

I intend to provide pro bono services for personal and professional growth. Frankly, I believe my ability to negotiate matters for the EPA will improve after I experience negotiating divorces and child custody agreements.

*[Signature]*  
 Approved by  
 Thomas A. Speicher 7/18/94

TAS-  
 I see no problem with this request. Have spoken with *EX 6* and he understands that he cannot use work time/resources/computers for any of these assignments. I recommend approval.  
*[Signature]* 7/18/94

Rejected by  
 Thomas A. Speicher

JUN 1 1994

Ref: 8RC

MEMORANDUM

SUBJECT: Outside Employment

FROM: Thomas A. Speicher  
Regional Counsel

TO: axb, Chief  
Toxics and Hazardous Waste Section

By memo of May 27, 1994, you requested approval of outside employment to teach a three-day course at axb. I have made the following findings and decision regarding your request:

Findings:

- (1) Teaching at accredited institution in regularly scheduled class.
- (2) No honorarium restriction.
- (3) Does class focus on policies, procedures, operations of EPA? Possibly, but not necessarily- focus of class is not on EPA issues.
- (4) Does instructor possess special knowledge about topic based on work with EPA? Again, probably not, given little ORC involvement in NEPA process. You have been teaching this course for a number of years.

Decision:

Request approved, with caveat that you cannot discuss any matters currently pending before EPA or those matters not generally available/known to the public.

Attachment - 5/27/94 memo and att.

cc: David Schachterle  
FCD: June 1, 1994, schachterle,, hahn,  
C:\DATA\WP\SPEICHER\axb EMP



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466

Ref: 8RC

MAY 23 1994

MEMORANDUM

TO: Tom Speicher, Regional Counsel
FROM: EX 6, Chief, Toxics and Hazardous Waste Section
SUBJECT: Application for Permission to Engage in Outside Employment

By this memo, I request permission to engage in outside employment. This memo is in effect a modification of the April 17, 1989 memo that I supplied Tom Speicher and Chris Phillips, then-TRAF Branch Chief, regarding a request to teach a three day course at the University

I believe my involvement in teaching this course does not violate any of the requirements of 40 CFR Section 3.502 (Guidelines and Limitations on Outside Employment). Accordingly, the balance of this memo is an effort to satisfy the requirements for permission to engage in outside employment or other outside activity (Appendix A to Subpart E (40 CFR Section 3.500 et seq.)).

If you grant me permission, I will be on Annual Leave for three days: June 24 (Friday) and June 27 and 28 (Monday and Tuesday). My leave application form is attached to this memo.

a. Employee's name, title, and grade:
EX 6, General Supervisory Attorney, GM-14.

b. Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected.

The nature of the outside activity is teaching a three day "module" at the University of EX 6. Specifically, the module is entitled "Environmental Impact Statements"; the course is entitled "Field Techniques in Alpine Ecology." I will perform the service of being a Visiting Instructor in the above described course. I expect to be compensated \$ 926 for three days of employment with the University

- c. The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered, and estimate the number of clients or customers anticipated during the next 6 months).

The work will be done for the University *ex 6*

1. The business of this organization is higher education.

- d. The estimated time to be devoted to the activity.

I will take 18 annual leave hours. I will switch flex fridays so that I will not be on leave on Friday, June 24, 1994.

- e. Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence of work required).

The service will be performed entirely outside of normal duty hours: See the response to 'd', above.

- f. The assistance agreements or contracts involved, if the outside employment will include consulting or professional services to institutions which have or may seek federal assistance agreements or contracts. Full details must be provided for any service which involves preparing grant applications, contract proposals or program reports. Indicate the basis for compensation.

I am unsure whether this question applies to my application. There is no written assistance agreement or performance contract involved here. Although I have no specific knowledge, I imagine the *ex 6* Graduate School, from time to time, obtains some form of federal assistance agreements or contracts.

Unequivocally, I state that the service I will render has no involvement with preparing grant applications, contract proposals or program reports.

The basis for compensation is *ex 6* per day. This rate is the rate paid to Visiting Instructors at the

*EXEMPTION 6*

Please see me if you have any questions regarding this application.

cc: Chris Phillips, 8RC

**APPLICATION FOR LEAVE**

**INSTRUCTIONS:** Please complete Items 1-8 after reading the Privacy Act Statement shown below.

1. Name (Print or type—Last, First, M.I.)				2. Employee I.D. Number	
3. Organizational Unit				4-A	4-C
5. I hereby request (If more than one box is checked, explain in Item 6, Remarks):				4-B	4-C
<input type="checkbox"/> Annual Leave. (Annual leave requested may not exceed the amount available for use during the leave year.) <input type="checkbox"/> Sick Leave. (Complete reverse side of form.) <input type="checkbox"/> Leave Without Pay. <input checked="" type="checkbox"/> Compensatory Time. <input type="checkbox"/> Other. (Specify)				FROM: 6 27 TO: 6 28	Hour 7 A.M. P.M. 4:30 P.M. Total Number of Hours 18
6. Remarks					
				7. Employee's Signature	
				8. Date (Month, Day, Year)	
<b>OFFICIAL ACTION ON APPLICATION</b>					
<input type="checkbox"/> Approved		<input type="checkbox"/> Disapproved (If disapproved, give reason. If annual leave, initiate action to reschedule.)		Signature (Annual leave approved may not exceed the amount available for use during the leave year.)	
				Date (Month, Day, Year)	

NSN 7540-00-753-5067

Please detach this notice before submitting SF 71.

**PRIVACY ACT STATEMENT**

Section 6311 of Title 5 to the U.S. Code authorizes collection of this information. The primary use of this information is by management and your payroll office to approve and record your use of leave. Additional disclosures of the information may be: To the Department of Labor when processing a claim for compensation regarding a job connected injury or illness; to a State unemployment compensation office regarding a claim; to Federal Life Insurance or Health Benefits carriers regarding a claim; to a Federal, State, or local law enforcement agency when your agency becomes aware of a violation or possible violation of civil or criminal law; to a Federal agency when conducting an investigation on you for employment or security reasons; to the Office of Personnel Management or

(Continued on Reverse)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500  
DENVER, COLORADO 80202-2466

Ref: 8RC

MEMORANDUM

JUN - 8 1993

TO: Tom Speicher, Regional Counsel  
Media Programs and General Law Branch

FROM: *Ex b* Chief *Ex b*  
Toxics and Hazardous Waste Section

SUBJECT: Application for Permission to Engage in Outside Employment

By this memo, I request permission to engage in outside employment. This memo is in effect a modification of the April 17, 1989 memo that I supplied Tom Speicher and Chris Phillips, then-TRAF Branch Chief, regarding a request to teach a three day course at the University *Ex b*

I believe my involvement in teaching this course does not violate any of the requirements of 40 CFR Section 3.502 (Guidelines and Limitations on Outside Employment). Accordingly, the balance of this memo is an effort to satisfy the requirements for permission to engage in outside employment or other outside activity (Appendix A to Subpart E (40 CFR Section 3.500 et seq.)).

If you grant me permission, I will be on Annual Leave for three days: June 11 (Friday) and June 14 and 15 (Monday and Tuesday). My leave application form is attached to this memo.

a. Employee's name, title, and grade.

General Supervisory Attorney, GM-14.

b. Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected.

The nature of the outside activity is teaching a three day "module" at the *exemption b* Specifically, the module is entitled "Environmental Impact Statements"; the course is entitled "Field Techniques in Alpine Ecology." I will perform the service of being a Visiting Instructor in the above described course. I expect to be compensated *Ex b* for three days of employment with the *exemption b*

- c. The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered, and estimate the number of clients or customers anticipated during the next 6 months).

The work will be done for the University *ex 6*  
The business of this organization is higher education.

- d. The estimated time to be devoted to the activity.

I will take 27 annual leave hours.

- e. Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence of work required).

The service will be performed entirely outside of normal duty hours. See the response to 'd', above.

- f. The assistance agreements or contracts involved, if the outside employment will include consulting or professional services to institutions which have or may seek federal assistance agreements or contracts. Full details must be provided for any service which involves preparing grant applications, contract proposals or program reports. Indicate the basis for compensation.

I am unsure whether this question applies to my application. There is no written assistance agreement or performance contract involved here. Although I have no specific knowledge, I imagine the *ex 6* from time to time, obtains some form of federal assistance agreements or contracts.

Unequivocally, I state that the service I will render has no involvement with preparing grant applications, contract proposals or program reports.

The basis for compensation is *ex 6* per day. This rate is the rate paid to Visiting Instructors at the *ex 6*.

Please see me if you have any questions regarding this application.

cc: Chris Phillips, SRC

*It is my understanding that  
this is a college/graduate level  
Accredited course.*

2

*SRC  
Submitted  
6/11/93*



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500  
DENVER, COLORADO 80202-2405

JUL - 2 1991

Ref: 8RC

MEMORANDUM

TO: Don Nantkes  
General Law and Ethics Group  
Grants, Contracts and General Law Division  
U.S. EPA Office of General Counsel

FROM: ex 6 Attorney (ex 6)  
Air, Water, and General Law Section  
Office of Regional Counsel, Region VIII

SUBJECT: Determination of Eligibility to Receive Compensation  
for Outside Employment

My section chief, Dave Schachterle, has asked me to seek your advice and counsel regarding my eligibility to receive compensation for teaching a portion of a course at the University of ex 6 this summer. I will teach a three-day "module" which is entitled "Environmental Law and NEPA." The course is entitled Field Techniques in Mountain Ecology. The course is comprised of thirteen 3-day or 4-day modules in specific areas. This course is part of the regularly established curriculum of an institution of higher education as defined at 20 U.S.C. 1141(a). I have received compensation of \$ex 6 on each of the two previous occasions I taught the module.

I believe that I am eligible to receive compensation for teaching this module. I believe the analysis rests on the definition of "multiple presentations."

Regulations interpreting the Ethics Reform Act of 1989 at 5 C.F.R. Section 2636.104 prohibit employees from accepting honoraria in violation of the prohibitions, limitations and restrictions contained in 5 C.F.R. Subpart B. Specifically, 5 C.F.R. Section 2636.202(b) provides:

"an employee is prohibited by the standards of conduct from receiving compensation, including travel expenses, for speaking or writing on subject matter that focuses specifically on his official duties or on the responsibilities, policies and programs of his employing agency."

Paragraph (a) of Section 2636.202 prohibits employees from accepting compensation for appearances, speeches or writing articles in the employee's official capacity or as part of his

official duties. My Performance Agreement (my official capacity) contains no requirement for teaching this module; accordingly paragraph (a) is inapt. Paragraph (c) of the same section involves obligations unique to certain non-career employees. Since my most recent Notification of Personnel Action form indicates that my status is 'permanent,' paragraph (c) is inapt.

Therefore, paragraph (b), 5 C.F.R. Section 2636.202(b), is the only applicable provision to my circumstance.

The term "honorarium" is defined at 5 C.F.R. Section 2636.203(a).

"Honorarium means a payment of money or anything of value for an appearance, speech, or article. The term does not include:

...(9) Compensation for teaching a course involving multiple presentations by the employee offered as part of the regularly established curriculum of an institution of higher education as defined at 20 U.S.C. Section 1141(a)...."

Example 4 following the definitional section set out in part above is illustrative.

"Example 4. An attorney employed by the Department of the Air Force may not accept compensation for teaching a two-day seminar on Federal procurement law presented by a publishing company under the sponsorship of an accredited law school. He may, however, accept compensation for teaching procurement law as part of the law school's regular curriculum of courses."

It seems to me that the above excerpted illustrative example applies to my situation. The course I teach is part of the University of *xxb*; regular curriculum of courses. Students of this course must be registered with the University (on a full or part-time basis). Students of this course receive 6 semester hours of credit. The example allows compensation for teaching such classes. Finally, and importantly, I teach this module over three days- six half day sessions- 24 classroom hours. This is teaching "a course involving multiple presentations" for which receipt of honoraria are allowed.

I have committed to the University of *xxb* that I will teach this module (regardless of compensation). I have received permission to take annual leave during the module. I'll teach it regardless of your decision. However, I do believe I'm eligible to receive compensation. Finally, for ease of burden on you, would you call Dave Schachterle with your analysis? He may be reached at FTS 330-1458.

cc: Tom Speicher, Region VIII Regional Counsel  
Mike Risner, Region VIII Deputy Regional Counsel  
Chris Phillips, 8RC Media and General Law Branch Chief  
c Dave Schacterle, 8RC



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500  
DENVER, COLORADO 80202-2405

MAY 31 1991

et b

RE: Environmental Law Module in Field Techniques

Dear Dr. et b

I will be happy and available to teach the "Environmental Law" section of the Field Techniques course on July 10-12, 1991 at the Mountain Research Station. Attached is an outline of the module.

I do not anticipate using any special equipment or having any special requests for transportation.

Please let me know if you have any questions regarding my module. I may be reached at 294-7588 (work) or 494-1624 (home).

Yours very truly, \_\_\_\_\_

et b

Enforcement Attorney

✓ cc: David Schachterle

Syllabus

"Environmental Law and Environmental Impact Studies"  
EPOB "Field Techniques in Environmental Sciences" 1/  
July 10-12, 1991

1. National Environmental Policy Act

Some Background

NEPA Procedural Duties

Calvert Cliffs' Coordinating Committee v. US AEC

Kleppe v. Sierra Club

(welcome to law school, class...)

The EIS Process

Assessments and Negative Declarations

"Major" and "Significantly"

The "federal requirement"

Who's Duty is it to prepare an EIS?

Delegations; Which Agency; Timing

The nuts and bolts of the EIS Process

Preparation

Adequacy/Legal sufficiency

The commenting process

Post-EIS enforcement and problems associated with  
completed projects

Where NEPA conflicts with other statutes

National security issues

Non-discretionary Agency Actions

Exceptions by implications

NEPA Substantive Duties

Some NEPA Applications

The urban environment

Historical preservation

Federal enforcement actions

Transportation planning

Federal agency inaction

Cumulative Effects

The early, mythical NEPA legal battles:

NRDC v. Morton

Vermont Yankee Nuclear Power Corp. v. NRDC

More on the Judicial Interface

The "Hard Look" Doctrine; judicial restraint

Scope of Judicial Review

Ripeness, exhaustion of administrative remedies

NEPA and the Administrative Procedures Act-the  
reconciliation

Is informal adjudication the trend?

Mediation, arbitration and settlement

Jurisdiction and venue  
Reviewability  
Legal Standing  
Sovereign Immunity  
Gathering information and discovery devices  
\*\*\*\*\*  
Expert Witness testimony \*\*\*\*\*  
(or one reason you took this course)

2. The Quick and Dirty on Environmental Laws Enforced by EPA

FIFRA- (Federal pesticide law)  
TSCA- Toxic Substances Control Act  
CAA- Clean Air Act  
CWA- Clean Water Act  
SDWA- Safe Drinking Water Act  
RCRA- Resource Conservation and Recovery Act  
CERCLA- Comprehensive Environmental Response,  
Compensation, and Liability Act  
(more acronyms than you can shake a stick at)

3. Other Environmental Law Matters for Your Cognizance

Our Natural Resources by Legal Regime

The Water Resource  
Federal vs. State  
Federal reserved rights  
In-stream flows  
FERC (time for another acronym)  
The Public Land Resource  
FLPMA- Federal Land Policy and Management Act  
of 1976  
Forests  
Rangeland  
Mineral Resources  
Wilderness, Parks and Historic Sites  
Wildlife Resource

Land-Use Planning

TWO HOUR TEST OF YOUR NEPA BEINGNESS AT 3PM ON JULY 12, 1991

1/ Don't panic, unless you weren't. The intention of this module is to alert you to the legion of legal issues surrounding the environmental impact statement process. In that regard, Item 1 on the syllabus will be covered in depth. Items 2 and 3 are more for your edification and will be covered summarily to the degree time permits. Sample EIS's will be provided the first day. There will be voluminous reading for you the evenings of July 10 and 11. Portions of this syllabus may be rearranged prior to the start of this module. This is good stuff- ask questions and have fun.



Re: Outside Employment Request -  
 Howard Cantor to: Michael Gleason  
 Cc: Dana Stotsky, Jim Eppers, Robert Ward

10/23/2012 11:10 AM

All,

Via this email, I approve this request for outside employment.

Thanks,  
 Howard

Howard Cantor,  
 Deputy Regional Administrator  
 Region 8  
 US Environmental Protection Agency  
 Phone: (303) 312-6308  
 Fax: (303) 312-6882

Michael Gleason	Howard, Attached is a prior approval request fro...	10/23/2012 10:37:15 AM
-----------------	---	------------------------

From: Michael Gleason/R8/USEPA/US  
 To: Howard Cantor/R8/USEPA/US@EPA  
 Cc: *exb*/R8/USEPA/US@EPA, Jim Eppers/R8/USEPA/US@EPA, Robert Ward/R8/USEPA/US@EPA  
 Date: 10/23/2012 10:37 AM  
 Subject: Outside Employment Request - Dana Stotsky

Howard,

Attached is a prior approval request from *exb* Stotsky for outside employment as an adjunct instructor at *exb*, Arizona. Pursuant to 5 C.F.R. § 6401.103, this request requires your prior written approval as the Region 8 Deputy Ethics Official.

I spoke to *exb* and he explained that he has been offered this position due to his expertise as an attorney in legal rules of procedure and evidence, and not because of his official position or because the *exb* College has interests that may be affected by the performance of his duties. Nor will the teaching position involve EPA matters or the sharing of nonpublic information. Pursuant to 5 C.F.R. § 2635.807(b), I advised Dana against using his official title or position to identify him in connection with the teaching activity, other than perhaps to include his title as one of several biographical details (provided it is given no more prominence than other significant biographical details). The course will be taught via Skype.

Based on this discussion and the prior approval request memorandum, I recommend that you approve *exb* outside employment request.

Let me know if you have any questions.

[attachment "Prior Approval Request - *exb*.pdf" deleted by Howard Cantor/R8/USEPA/US]

Michael P. Gleason  
 Associate Regional Counsel  
 U.S. Environmental Protection Agency, Region 8  
 1595 Wynkoop Street  
 Denver, CO 80202

# MEMORANDUM

SUBJECT: Prior Approval for Outside Employment

FROM: ~~ex b~~ General Attorney; ~~ex b~~

TO: Bob Ward, Regional Counsel  
Deputy Ethics Official

THRU: Jim Eppers, Supervisory Attorney 

DATE: October 16, 2012

In accordance with 5 C.F.R. § 2635.803 and 5 CFR Part 6401 governing the standards of ethical conduct for employees of the United States Environmental Protection Agency, I seek prior approval for outside employment and activity. Pursuant to 5 CFR Section 6401.103, the following information is provided:

(1) **Employee's name, title and grade.**

~~ex b~~ General Attorney, GS-14.

(2) **Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected.**

Adjunct Instructor at ~~exemption b~~ I would teach two classes per week through mid-December, 2012. One class in the Navajo Rules of Criminal and Civil Procedure; the other class in the Navajo Rules of Evidence.

(3) **The name and business of the person or organization for which the work will be done.**

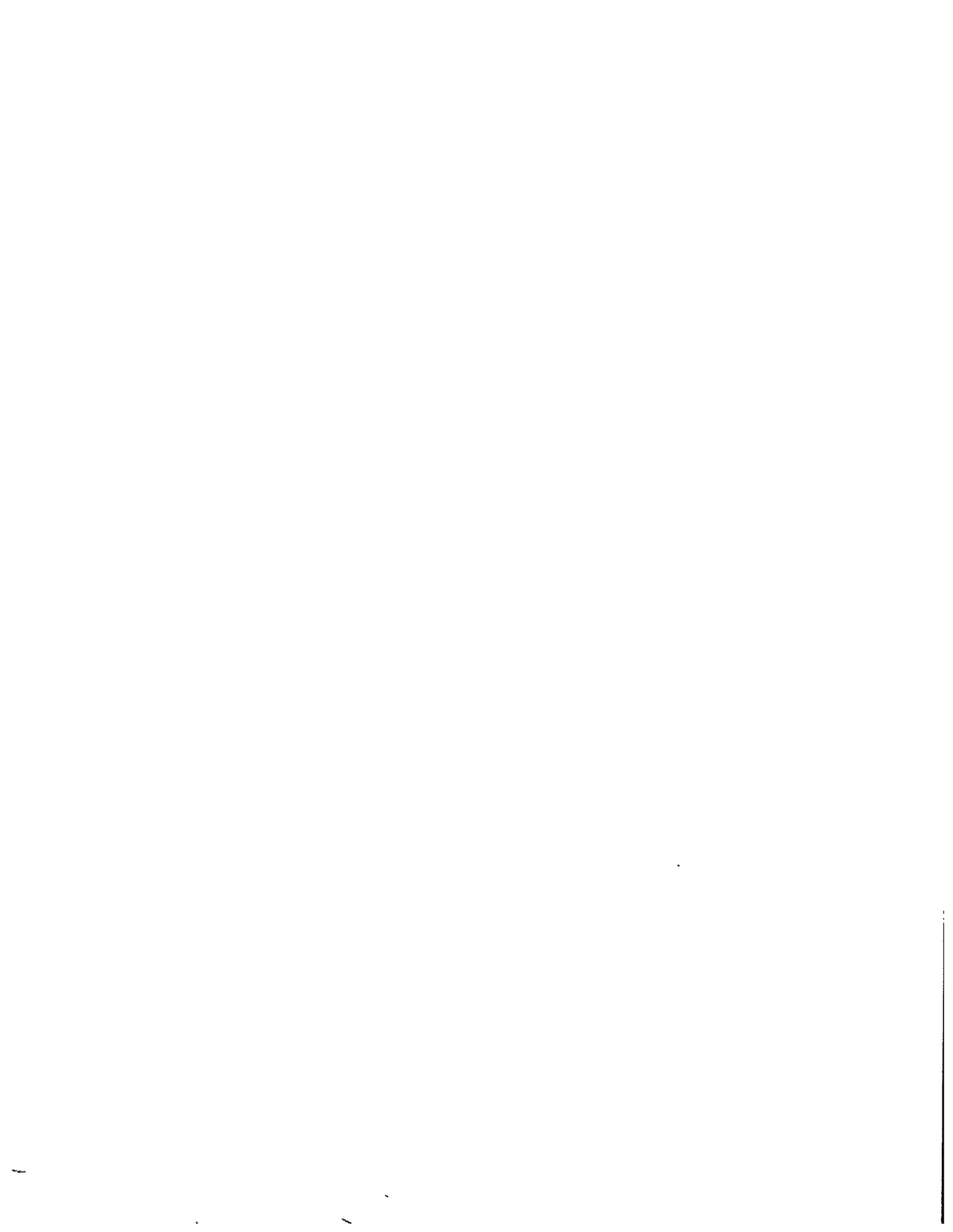
~~exemption b~~

(4) **The estimated time to be devoted to the activity.**

Approximately 4 to 6 hours per week.

(5) **Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required.)**

The service will be performed entirely outside of normal duty hours. If necessary, annual leave will be requested.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500  
DENVER, COLORADO 80202-2466

Ref: 8EPR-EP

MEMORANDUM

DATE: July 1, 1996  
TO: Jack McGraw, 8RA  
FROM: Exemption 6  
THRU: Jim Lucey  
SUBJECT: Request for Administrative Approval for Outside Employment

Ex 6 and Ex 6, both Hydrologists in the Ecosystems Protection Program, hereby request approval to teach a three-day short course entitled "Ground-Water Fundamentals" sponsored by Environmental Education Enterprises. The training will be conducted on December 11-13, 1996 and, if this session is successful and well-received, it is anticipated that the class will be offered again in the future. We will be joined by Dr. Ex 6, formerly a Hydrologist with the USGS. The three of us will individually be responsible for approximately seven hours of instruction.

As indicated, the course will be sponsored by Ex 6. Leave will be requested for the three days of instruction and any travel time required during normal duty hours. All preparation work for the class will be conducted entirely outside of normal duty hours.

The course outline (attached) indicates that this is a three-day class covering the basic principles of ground-water hydrology. The focus of the class is basic science with some discussion of current industry practices. The class lectures will be developed by the individual instructors as identified on the course outline.

The content of the course does not involve the use of any information obtained as a result of Government employment, which has not been made available to the general public. EPA policies and programs will not be discussed. The views which will be expressed by the

instructors will be presented as our own and in no way intended to represent EPA policy. The subject matter being discussed is within our inherent expertise based on educational background and experience. We will assure that all exemption b materials on the course includes a disclaimer that all views which we provide in the course are our own and not related to our employment with EPA.

We appreciate the opportunity to provide instruction on the science of ground-water hydrology. If there is any additional information that we can provide to assist you in this request, please feel free to contact ELB (x6218/x6719) or ELB (x6218/x6595).

Attachment

cc. Dave Schachterle, 8RC

## GROUND-WATER FUNDAMENTALS

### Day 1

7:45 am - 8:00 am	Registration	
8:00 am - 8:15 am	Welcome	
8:15 am - 9:45 am	Introduction to Ground Water Ground-Water Terms Importance of Ground Water Age of Ground Water The Hydrologic Cycle Ground-Water Occurrence Ground-Water Use	John
9:45 am - 10:00 am	Break	
10:00 am - 11:00 am	Aquifers and Hydrogeologic Settings Types of Aquifers Aquifer Boundaries Hydrogeologic Provinces in the U.S.	Mike
11:00 am - 11:15 am	Break	
11:15 am - 12:00 pm	Aquifers and Hydrogeologic Settings (cont.)	Mike
12:00 pm - 1:00 pm	Lunch	
1:00 pm - 2:15 pm	Ground-Water Flow Directions and Rate Recharge and Discharge Water-Table Fluctuations Flow Systems	John
2:15 pm - 2:30 pm	Break	
2:30 pm - 3:45 pm	Hydraulic Characteristics of Aquifers Porosity Specific Yield and Specific Retention Storage Coefficient Hydraulic Conductivity and Transmissivity Ground-Water Flow Velocity	Rich

3:45 pm - 4:00 pm	Break	
4:00 pm - 5:00 pm	Well Design and Construction Locating Ground-Water Supplies Well Drilling Methods Well Design	John
5:00 pm	Adjourn	

Day 2

8:00 am - 9:30 am	Aquifer Testing Pumping Test Setup Conducting the Test Data Analyses	Rich
9:30 am - 9:45 am	Break	
9:45 am - 10:45 am	Ground-Water/Surface-Water Interactions Influent and Effluent Streams Examples in Various Hydrogeologic Settings	John
10:45 am - 11:00 am	Break	
11:00 am - 12:00 pm	Natural Ground-Water Quality Common Naturally-Occurring Elements Water Quality Based on Hydrogeologic Setting	John
12:00 pm - 1:00 pm	Lunch	
1:00 pm - 2:00 pm	Sources of Ground-Water Contamination Types of Contaminants Sources of Contaminants	Rich
2:00 pm - 2:15 pm	Break	
2:15 pm - 3:30 pm	Fate and Transport of Contaminants Fate and Transport Processes Metals in Ground Water Organic Compounds in Ground Water DNAPLs in the Subsurface	Mike
3:30 pm - 3:45 pm	Break	

3:45 pm - 5:00 pm	Fate and Transport of Contaminants (cont.)	Mike
5:00 pm	Adjourn	
 Day 3		
8:00 am - 9:30 am	Ground-Water Monitoring Setting Up a Monitoring Program Monitoring Well Design and Installation Ground-Water Sampling Data Analyses	Rich
9:30 am - 9:45 am	Break	
9:45 am - 10:45 am	Aquifer Protection Aquifer Protection Plans	John
10:45 am - 11:00 am	Break	
11:00 am - 12:00 pm	Aquifer Protection (cont.)	Mike
12:00 pm - 1:00 pm	Lunch	
1:00 pm - 2:00 pm	Ground-Water Sensitivity/Vulnerability Definitions Methods of Assessment	Mike
2:00 pm - 2:15 pm	Break	
2:15 pm - 3:45 pm	Ground-Water Remediation Vadose Zone Remediation Saturated Zone Remediation Saturated Zone Containment	Rich
3:45 pm - 4:00 pm	Wrap-Up	
4:00 pm	Adjourn	

From: DAVID SCHACHTERLE at R8CCPO4 8/15/96 8:03AM  
To: JACK MCGRAW at R8CCRA  
Subject: Outside employment approval

----- Message Contents -----

I have reviewed the request for outside activity approval submitted by *xxb* and *xxb*, and have discussed the outside activity with them. Their request, dated July 1, 1996, covers teaching a course on the fundamentals of ground water sponsored by *xxb*.

The focus of the course is the science of groundwater and the course does not appear to focus on the operations, policies, and procedures of EPA.

Based on my review and my discussions with *xxb* and *xxb*, I recommend that you approve this outside activity. Both *xxb* and *xxb* are aware of the regulations governing outside activities and know that they may use no Agency time, materials, or resources in preparing for or teaching this course.

They may contact me, at X6920, should they have questions.

Should you agree with my recommendation, please forward this message on to them with a CC to Jim Luey, their team leader.

[94] From: JACK MCGRAW at R8CCRA 8/15/96 9:34AM (1624 bytes: 23 ln)

To: *exb* N at R8CCP04, *exb* A at R8CCP03

CC: JIM LUEY at R8CCP03, DAVID SCHACHTERLE at R8CCP04

Subject: Outside employment approval

----- Forwarded with Changes -----

From: DAVID SCHACHTERLE at R8CCP04 8/15/96 8:12AM (1295 bytes: 21 ln)

To: JACK MCGRAW at R8CCRA

Subject: Outside employment approval

----- Message Contents -----

and I concur with Dave's review. Jack McGraw

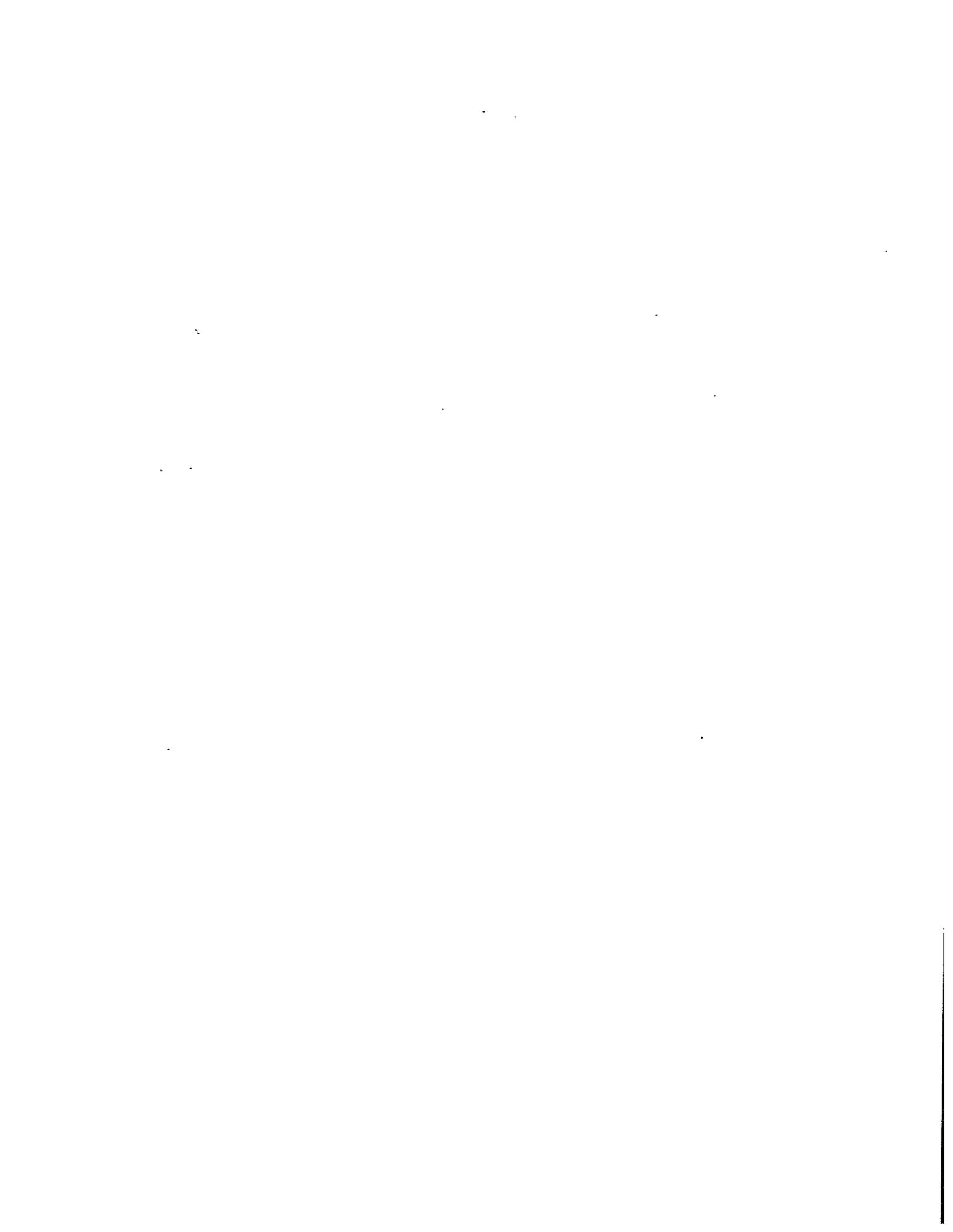
I have reviewed the request for outside activity approval submitted by *exb* and *exb*, and have discussed the outside activity with them. Their request, dated July 1, 1996, covers teaching a course on the fundamentals of ground water sponsored by *exb*.

The focus of the course is the science of groundwater and the course does not appear to focus on the operations, policies, and procedures of EPA.

Based on my review and my discussions with *exb* and *exb*, I recommend that you approve this outside activity. Both *exb* and *exb* are aware of the regulations governing outside activities and know that they may use no Agency time, materials, or resources in preparing for or teaching this course.

They may contact me, at X6920, should they have questions.

Should you agree with my recommendation, please forward this message on to them with a CC to Jim Luey, their team leader.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

JAN 26 2000

4EAD

MEMORANDUM

SUBJECT: Approval of Outside Employment Activity

FROM: Phyllis P. Harris  
Deputy Ethics Official

A handwritten signature in black ink, appearing to read "Phyllis P. Harris", written over the printed name.

TO: Exemption 6  
Environmental Accountability Division

The purpose of this memorandum is to respond to your request for administrative approval of outside employment for operating your own company. More specifically, your company performs property and asbestos surveys. The outside employment involves less than 5 hours per week. No official duty time or Government property, resources or facilities not available to the general public would be used in this outside activity.

Based on the information in the request, I have determined that your proposed outside employment is not expected to involve conduct prohibited by statute or Federal regulations, including 5 C.F.R. Part 2635 (Standards of Ethical Conduct for Employees of the Executive Branch) and § 6401.102 (Prohibited financial interests). Accordingly, I hereby approve your request to engage in this outside employment activity as you have described it, subject to the restrictions set forth below.

In light of your position as a member of the Environmental Accountability Division and the likelihood that some of your potential clients may be subject to regulation under environmental statutes involved in your official work, you should take special care to avoid even the appearance that any of the Standards for Ethical Conduct have been violated, pursuant to 5 C.F.R. § 2635.801(c). In particular, you must be careful that you do not use or disclose in your outside work any enforcement confidential or other "nonpublic information," as defined at 5 C.F.R. § 2635.703(b), and insure that your EPA affiliation, title or position, are not used to suggest any Government sanction or endorsement of your services, as required under 5 C.F.R. § 2635.702(b)&(c).

Finally, under the Standards for Ethical Conduct, Executive branch employees are prohibited by a Federal criminal statute from participating personally and substantially in a particular matter that will affect certain financial interests. This include the financial interests of

you, your spouse, or your minor children. You must not be involved in an official capacity with any parties that your outside employment is performing work for.

If any change occurs in the nature or scope of your outside work or if there is any inaccuracy in the above-stated description of it, you should contact Kevin Beswick of the Region 4 Ethics Team at (404) 562-9580.



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MEMORANDUM

SUBJECT: Approval of Outside Activity  
FROM: William Anderson, Deputy Ethics Official  
Office of Environmental Accountability  
TO: exemption  
Associate Regional Counsel

The purpose of this memorandum is to respond to your request submitted May 17, 2007, seeking administrative approval to engage in outside activity by providing legal representation, while self employed, involving corporate small business matters (including, but not limited to formation of business entities, contract review, and general advice), and occasional personal injury litigation as co-counsel. You indicate that the work will not involve entities with which you are involved in your official capacity. Furthermore, you expect that income from this employment will total \$ 2k6 or less, and that it will be performed entirely outside of normal duty hours.

Generally, an employee may engage in outside employment or other activity subject to certain restrictions, set forth at 5 C.F.R. § 2635 (Standards of Ethical Conduct for Employees of the Executive Branch). Based on the factual information before me and the representations made in your request, I have determined that providing legal services as indicated above is not expected to involve conduct prohibited by statute or Federal Regulation. Therefore, I approve your request to engage in outside employment providing the aforementioned services.

Please be advised of the following restrictions pursuant to 5 C.F.R. § 2635, which are relevant to your proposed outside employment. An EPA employee is prohibited from using Agency time and resources during official work hours to perform outside duties. Additionally, an EPA employee may not engage in outside employment or activity that conflicts with the employee's official duties. An activity or employment will conflict with official duties if it is prohibited by statute, or will require the employee's disqualification from matters central and critical to the performance of the employee's official duties. Further, you must insure that your EPA affiliation is not used to suggest any government sanction or endorsement of your services, as required under 5 C.F.R. § 2635-702(b) and (c). As you perform legal services to clients, you should be aware that 18 U.S.C. § 205, generally prohibits a federal employee from acting as the "agent" for another before any federal government agency on matters involving a "direct and substantial interest" of the United States. This caution extends to all federal disputes.

If there is a change in the above stated factual information or if you have any questions about this matter, please contact Susan B. Schub of the Region 4 Ethics Team at ext. 2-9586.

cc: Richard Leahy



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61 FORSYTH STREET S.W.  
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MEMORANDUM

SUBJECT: Request for Approval of Outside Employment

FROM: *exemption b*

TO: Bill Anderson, Deputy Ethics Official  
Deputy Regional Counsel

DATE: May 17, 2007

The purpose of this memorandum is to request approval of outside employment pursuant to 5 C.F.R. 6401.103. I am presently an Associate Regional Counsel, GS 14. I will be self employed, and intend to provide legal representation in matters involving corporate small business matters (including, but not limited to formation of business entities, contract review, and general advice), and occasional personal injury litigation as co-counsel. The work will not involve entities with which I am involved in my employment and I will recuse myself if a matter related to EPA should arise. I estimate that income from this employment will total *ex b* or less. The work will be for various individual or small business clients.

The outside employment will involve less than five (5) hours per week, will be performed entirely outside of normal duty hours, and will not interfere with my official duties.

As provided in 5 C.F.R. 6401.103(b)(6) and (8), no official duty time, Government property, resources, or facilities not available to the general public will be used in connection with the outside employment. I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. 2635 and 6401.102.

*Exemption b*



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61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

MAR 22 1999

4EAD

MEMORANDUM

SUBJECT: Approval of Outside Employment Activity

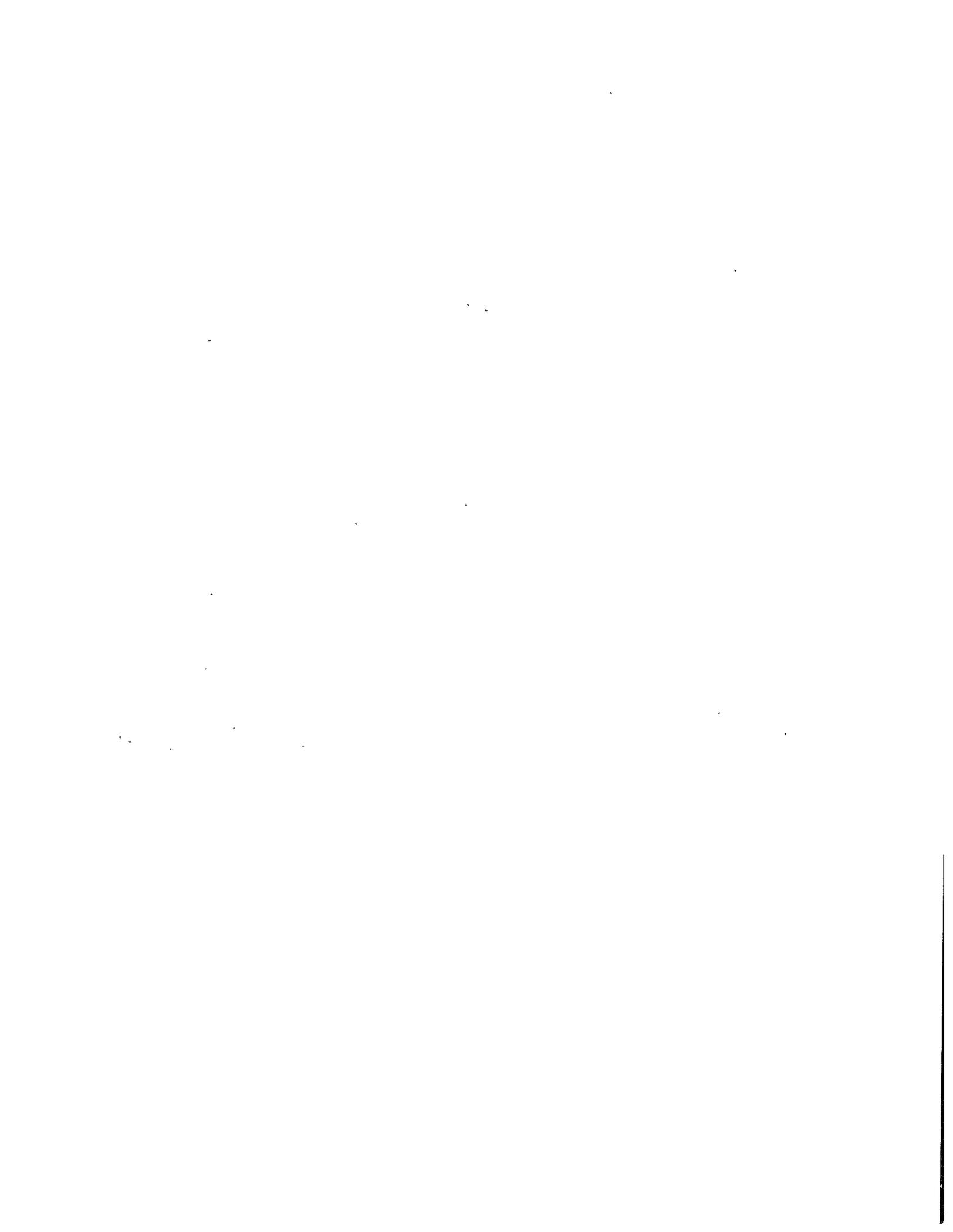
FROM: Phyllis P. Harris *Phyllis P. Harris*  
Regional Counsel and Deputy Ethics Official  
Environmental Accountability Division

TO: *Exemption to*  
Associate Regional Counsel

You request permission to engage in outside activities that involve rendering legal advice and assistance to your fiancé. Your fiancé is a self-employed professional writer who writes, among other things, video and special event scripts, speeches, and corporate print material. As her fiancé, you are involved in a number of both business and personal legal and financial matters that concern her. You state that you have not, nor do you intend to engage in any activity involving environmental law or that in any way involves the United States Environmental Protection Agency or the federal government. You further state that your activities will involve a variable number of hours per week that will be performed entirely outside of your normal duty hours. You have also assured me, as required by title 5 C.F.R. Parts 6401.103(b)(6) and (8), that you will not use any official duty time, Government property, resources, or facilities not available to the general public in connection with the outside activities. You indicate that you have read, and agree to abide by the restrictions set forth in 5 C.F.R. Parts 2635 and 6401.102, governing Standards of Conduct for Employees of the Executive Branch, and Prohibited Financial Interests for EPA employees, respectively.

Based on the information set forth in your request, I have determined that your participation in the above-described activities does not involve conduct prohibited by statute or Federal regulations. In view of this determination, you have permission to engage in the outside activities in a private capacity as outlined above and in your original letter to me. If there is a change or error in the stated factual information concerning your outside activities, or if you have any questions about these matters, you should contact Karol Smith of the Region 4 Ethics Team at extension 29563.

cc: Rick Leahy, Chief  
Office of CERCLA Legal Support (North)





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
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61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

APR 13 2001

4EAD

MEMORANDUM

SUBJECT: Approval of Outside Activity

FROM: Phyllis P. Harris, Deputy Ethics Official  
Environmental Accountability Division

A handwritten signature in black ink, appearing to read "Phyllis P. Harris", with a long horizontal line extending to the right.

TO: ~~Exemption~~ Chief,  
Office of RCRA and Federal Facilities Legal Support  
Environmental Accountability Division

The purpose of this memorandum is to respond to your request dated March 29, 2001, seeking administrative approval to engage in outside activity by providing free legal advice and assistance to indigent and low income people, primarily in the area of domestic relations, contracts, and landlord tenant disputes. You indicate that you do not intend to work in an area involving environmental law. Finally, you expect that this work will be performed outside of normal duty hours, and will involve less than 10 hours per week.

Generally, an employee may engage in outside employment or other activity subject to certain restrictions, set forth in 5 C.F.R. § 2635 (Standards of Ethical Conduct for Employees of the Executive Branch). Based on the factual information before me and the representations made in your request, I have determined that providing legal services as indicated above is not expected to involve conduct prohibited by statute or Federal Regulation. Thus, I hereby approve your request to engage in outside employment providing the aforementioned services.

Please be advised of the following restrictions pursuant to 5 C.F.R. § 2635, which are relevant to your proposed outside employment. An EPA employee is prohibited from using Agency time and resources during official work hours to perform their outside duties. 5 C.F.R. §§ 2635.101, 2635.704-705. Additionally, an EPA employee may not engage in outside employment or activity that conflicts with the employee's official duties. An activity or employment will conflict with official duties if it is prohibited by statute, or will require the employee's disqualification from matters central and critical to the performance of the employee's official duties. 5 C.F.R. § 2635.802. Further, you must insure that your EPA affiliation is not used to suggest any government sanction or endorsement of your services, as required under 5 C.F.R. § 2635-702(b) and (c). As you perform legal services to clients, you should be aware that 18 U.S.C. § 205, generally prohibits a federal employee from acting as the "agent" for another before any federal government agency on matters involving a "direct and substantial interest" of the United States. As an example, while you could provide advice on how to settle a dispute

involving a Social Security claim, you are prohibited from personally dealing with the federal agency to settle the claim, since that would constitute acting as an "agent" for another "before" the federal government. Again, while you could write a letter to a federal agency on behalf of a client, you are prohibited from signing it, since that would constitute an appearance "before" the agency. This caution extends to all federal disputes. Finally, an EPA employee is restricted from using information obtained as a result of their government employment that has not been made available to the public. 5 C.F.R. §§ 2635.101(b)(3) 2635.703.

If there is a change or error in the above stated factual information concerning your outside activity, or if you have any questions about this matter, you should contact Kevin Beswick of the Region 4 Ethics Team at (404) 562-9580.



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APR 18 2003

4EAD

MEMORANDUM

SUBJECT: Approval of Outside Activity

FROM: Stan Meiburg, Deputy Ethics Official  
Deputy Regional Administrator

TO: *exemption*  
Remedial Project Manager

The purpose of this memorandum is to respond to your request for administrative approval of outside activity. You stated that you are an unpaid Director on the Board of the *extb* and you intend to offer area residents guidance regarding the Uniform Relocation Act (URA) during relocations by the City of *extb*. You have stated that this work will not involve cases in which EPA or other Federal agencies are involved. You have also stated that this work will not involve use of official time, or government property, resources, or facilities not available to the general public.

Based on the information provided in your request, I have determined that your proposed outside activity is not expected to involve conduct prohibited by statute or Federal regulations, including 5 C.F.R. Part 2635 (Standards of Ethical Conduct for Employees of the Executive Branch) and § 6401.102 (Prohibited Financial Interests). Accordingly, I hereby approve your request to engage in this outside activity as described.

You are cautioned that an outside employment relationship constitutes a "financial interest" in the employer, such that you are prohibited by a criminal statute from participating in any "particular matter" affecting that employer while your outside employment continues. 5 C.F.R. § 2635, Subpart D. You should also remain mindful of the prohibition at 5 C.F.R. § 2635.703(a) concerning unauthorized disclosure of "nonpublic information" for private purposes.

In addition, 18 U.S.C. § 205 prohibits you from acting as "agent or attorney for prosecuting any claim against the United States" or from acting as agent or attorney "for anyone before any department, agency, court, court-martial, officer, or civil, military, or naval commission in connection with any covered matter in which the United States is a party or has a direct and substantial interest."

**Your outside employment must not involve EPA time or property or make use of non-public information, and must not involve work with entities which could gain an advantage at EPA through the exercise of your official duties. While it is permissible to list your official position with EPA in a resume or CV, it should not be given any greater weight than your other positions or accomplishments, and correspondence involving your outside activities should not imply EPA endorsement of your services.**

**If there is a change or error in the stated factual information concerning your outside employment, or if you have any questions about this matter, you should contact Kevin Beswick of the Region 4 Ethics Team at (404) 562-9580.**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
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MAR 01 2012

**MEMORANDUM**

**SUBJECT:** Amendment to Approval to Engage in Outside Employment

**FROM:** Nancy Tommelleo *NT*  
Deputy Ethics Official  
Deputy Regional Counsel

**TO:** *extinction*  
Associate Regional Counsel  
Office of Environmental Accountability

The purpose of this memorandum is to retroactively amend the attached January 7, 2011, memorandum responding to your request to teach an environmental law course at *John Marshall Law School*. I initially found that, absent an exception, your activity would be prohibited because it entailed teaching a course for compensation that relates to your official duties; specifically I concluded it involved the ongoing programs, policies or operations of the agency. 5 C.F.R. § 2635.807(a)(2)(i)(E)(2). I then determined it was permissible under the exception at 5 C.F.R. § 2635.807(a)(3), for a course requiring multiple presentations of a regularly established curriculum of an institution of higher education.

While your activity remains permissible, the basis for approval is revised. In your recent conversation with Susan Schub, of the Region's Ethics Team, you clarified that the course content does not to any extent, significant or otherwise, cover programs, policies or operations of EPA. To the contrary, it is a general survey course covering an array of environmental statutes, a number of which are administered exclusively by agencies other than EPA. To the extent EPA has a role in administering any of the laws you teach, you do not include information on any regulations administered or enforced by EPA, nor do you address any programs, policies or operations of EPA in connection with those environmental laws. While your teaching may occasionally deal on a very general level with subject within the agency's area of responsibility, you are not precluded from teaching such subjects that fall under your inherent area of expertise. See Note to 5 C.F.R. § 2635.807.

Based upon the above, your compensated teaching does not relate to your official duties; therefore, it was unnecessary to rely upon the exception at 5 C.F.R. § 2635.807(a)(3), as the basis for approval. Furthermore, I also note, for any future reference, that John Marshall Law School is a private for-profit entity, and as such, would not be an "institution of higher education" for purposes of the above-referenced exception. See 20 U.S.C. § 1001

My initial finding that your activity is not expected to involve conduct prohibited by statute or Federal regulation - as well as all other provisions contained in the attached memorandum - remain in effect.

If you have any questions please contact Susan Schub at ext. 2-9586.

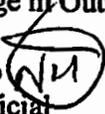


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January 7, 2011

**MEMORANDUM**

**SUBJECT:** Approval to Engage in Outside Employment

**FROM:** Nancy Tommelleo   
Deputy Ethics Official  
Deputy Regional Counsel

**TO:** exemption 6  
Associate Regional Counsel  
Office of Environmental Accountability

The purpose of this memorandum is to respond to your January 6, 2011, memorandum requesting approval to teach a general environmental law course at exemption 6 School. You indicated in your memorandum that you will receive compensation of \$-6 for teaching the course which meets three hours each week for 14 weeks. You also anticipate spending a few hours each week preparing for the course. You stated that you will not use official time, government property, resources or facilities, not available to the general public in connection with teaching or preparing for the course.

The Standards of Ethical Conduct generally restrict an employee from receiving compensation from any non-Government source for teaching, speaking or writing related to the employee's official duties. However, there is an exception to this prohibition which allows an employee to accept compensation for teaching a course requiring multiple presentations if the course is offered as part of the regularly established curriculum of an institution of higher education. This exception is found at 5 C.F.R. § 2635.807 (a)(3). Based on your description of your proposed activity, it appears that it will meet the conditions of this exception.

In addition to the considerations discussed above, you are not to use or permit the use of your official title or position to identify you in connection with the teaching activity other than to include such information as one of several biographical details. Moreover, the Standards of Ethical Conduct for Employees of the Executive Branch require that your EPA affiliation not be used to suggest any government sanction or endorsement of your services. 5 C.F.R. § 2635.702(b) and (c). You may satisfy this requirement by communicating to your audience a disclaimer such as the following: "The information presented in this course expresses my personal views and does not necessarily reflect the official position of the EPA." You must also avoid using or disclosing Government "nonpublic information." 5 C.F.R. § 2635.703. Please keep in mind that you are prohibited from using EPA time and resources during official work hours to perform this outside activity. 5 C.F.R. § 2635.704 -705.

Based on the representations you have made in your request I have determined that teaching the class you seek permission to teach is not expected to involve conduct prohibited by statute or by Federal regulation. Accordingly, I am hereby approving your request to engage in this outside employment activity within the limitations described above. If there is a change or error in the above-stated factual information concerning your outside activity, you must submit a revised request for approval. Furthermore, this approval will be valid for a period of five years. If you continue to engage in this outside activity beyond this five year approval period, you should promptly submit a revised approval request before your current approval elapses.

If you have any questions about this matter, please contact Susan Schub of the Region 4 Ethics Team at (404) 562-9586.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
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DATE: January 6, 2011

FROM: *exemption 6*  
Associate Regional Counsel, GS-15-6  
Office of RCRA, OPA and UST Legal Support

TO: Nancy Tommelleo  
Deputy Regional Counsel  
Deputy Ethics Official

THRU: Mita Ghosh *Sub 16*  
Chief, Office of RCRA, OPA and UST Legal Support

SUBJ: Outside Employment

The purpose of this memorandum is to request your approval for me to teach a general environmental law class at *exemption 6* school as outside employment. The class will generally cover the statutory basics of RCRA, CERCLA, CWA, CAA, ESA, NEPA, and the APA, as well as citizens' suits. The class begins next Tuesday, January 11, 2011, and meets for three hours every Tuesday for 14 weeks. I will be paid a fee of \$6,000 to teach this class (\$2,000 per credit hour/class is three credit hours). I was requested to teach the class by Faculty Dean *exemption 6*. The school is located at *exemption 6*. I estimate I will have to spend a few hours each week preparing for the class, however I do not expect to do this preparation during my normal work hours. I would spend some time at home on nights or weekends preparing for the class. In addition, I expect I would spend some additional time at the school beyond the three hour class, however, I again expect this to occur during my own personal time. Therefore, I expect my entire involvement with this outside employment will occur on my own personal time, outside my normal duty hours at EPA. No official duty time, or government property, resources, or facilities, not available to the general public will be used in connection with the outside employment. I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and Sec. 6401.102. Finally, to the best of my knowledge, there are no EPA assistance agreements or contracts held by *exemption 6* School.

I am sorry for the very short notice. The attorney originally scheduled to teach this class fell off a horse, literally, and has to undergo major surgeries and will not be physically able to teach the class. I think this would be a great activity for me, and I am looking forward to the opportunity to teach the class.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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4EAD

AUG 29 2001

MEMORANDUM

SUBJECT: Approval of Outside Employment Activity

FROM: Russell L. Wright, Jr.  
Deputy Ethics Official

TO: *exemption*  
Wetlands, Coastal and Watersheds Branch

The purpose of this memorandum is to respond to your request dated August 2, 2001, seeking administrative approval for outside employment activity involving provision of technical services for natural stream restoration activities. Specifically, the services you seek to perform would consist of applying your expertise in fluvial geomorphology to support design, mapping, and construction of stream restoration projects, working as a subcontractor for two environmental consulting firms, *exemption*

Neither of these consulting firms is currently retained to work on any project funded by the State of North Carolina with funds from EPA granted under the Clean Water Act (CWA) Section 319 Nonpoint Source Program.

You have indicated that you will avoid actual or potential conflict-of-interest issues in your official capacity as EPA's reviewer of CWA Section 319 grant packages compiled and submitted by the State of North Carolina by resigning from your employment relationship with either firm if, in the future, it is retained to work on any project for which funding is contemplated or sought within a CWA Section 319 grant package submitted by North Carolina. You have also stated that you would not use official duty time, or Government property, resources or facilities in connection with this proposed outside activity.

Generally, an EPA employee may engage in outside employment or other outside activities, subject to certain restrictions set forth in relevant law, including the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635. Based on the factual information before me and the representations made in your request, I have determined that your outside employment as described is not expected to involve conduct prohibited by statute or Federal regulation. Accordingly, I am hereby approving your request to engage in this outside employment, within the limitations you have specified regarding the scope of your proposed activities. Pursuant to 5 C.F.R. § 6401.103(d), you should submit a revised request for approval if there is a change in the nature or scope of the services you perform, and I encourage you to seek my counsel or that of a member of the EPA Region 4 Ethics Team if you have questions about potential ethics issues as you proceed with this work.

However, I wish to call your attention now to certain ethical constraints that may be particularly applicable due to the specialized nature of these outside activities. You must comply with 5 C.F.R. § 2635.703(a), which prohibits use or "nonpublic information" for private purposes. Because stream restoration projects frequently involve interaction with governmental agencies, you should remain continuously mindful of 18 U.S.C. § 205, a criminal statute which generally prohibits a federal employee from acting as the "agent" or "representative" of others before any federal Government agency on matters involving a "direct and substantial interest" of the United States. While this statute does not prohibit "representational" contacts with non-federal government officials, your EPA affiliation may not be used to suggest any Government sanction or endorsement of your services. [5 C.F.R. § 2635.702(b)&(c).] Therefore, you should make it clear that you are acting in a private, non-official capacity if, as part of your outside work, you are in contact with state or local government officials with whom you have dealt previously in an EPA capacity. Moreover, in all activities related to this work, you should take care to prevent any implication -- for example, from oral or written references to your EPA affiliation in the promotion of environmental consulting services by you, your employer and/or your associates -- that EPA endorses these services.

If there is a change in any of the above-stated factual information concerning your outside activity, or if you have any questions about this matter, you should contact Lawrence Neville of the Region 4 Ethics Team at (404) 562-9584.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

APR 25 2001

4DRA

MEMORANDUM

SUBJECT: Request for Permission to Engage in Outside Employment

FROM: Russell L. Wright, Jr., Deputy Ethics Official  
Acting Deputy Regional Administrator

TO: *exemption to*  
Chemist  
Science and Ecosystems Support Division

The purpose of this memorandum is to respond to your memorandum requesting approval for outside employment.

ISSUE PRESENTED

Whether your contemplated outside employment violates the Standards of Ethical Conduct and creates a conflict of interest with your Federal employment.

BRIEF ANSWER

Subject to the restrictions noted below, your outside employment does not violate the Standards of Ethical Conduct and, hence, does not create a conflict of interest with your Federal employment at EPA.

FACTS

In your memorandum you stated the following facts. You plan to provide consulting services and lectures to clients outside of Region 4, and on an international level. These services would focus on environmental sampling and analysis, water quality assessments, quality assurance and wastewater treatment. In addition, you intend to provide review and comments on documents and standard operating procedures for laboratory analysis and quality assurance procedures.

## DISCUSSION

Generally, an employee may engage in outside employment or other outside activity subject to certain restrictions. See 5 C.F.R. § 2635 subparts A-H.

These restrictions prohibit an EPA employee from using EPA time and resources during official work hours to perform his or her outside duties. 5 C.F.R. §§ 2635.101, 2635.704-705.

The employee's outside employment must not involve work with entities which could gain an advantage at EPA through the employee's exercise of his or her official duties. 5 C.F.R. §§ 2635.101(b)(7), 2635.702, 2635.801(c). Employees also must ensure that their outside employment is not construed as implying an official EPA endorsement of any product or service. 5 C.F.R. § 2635.702(b).

An EPA employee may not engage in outside employment or activities that conflict with the employee's official duties. An activity or employment will conflict with official duties if it is prohibited by statute, or will require the employee's disqualification from matters central and critical to the performance of the employees official duties. 5 C.F.R. § 2635.802.

In addition, 18 U.S.C. § 205(a) prohibits Federal employees from acting:

[A]s agent or attorney for prosecuting any claim against the United States, . . . or, . . . as agent or attorney for anyone before any department, agency, court, court-martial, officer, or civil, military, or naval commission in connection with any covered matter in which the United States is a party or has a direct and substantial interest.

## ANALYSIS

The information you provided indicates that your outside employment does not violate the Standards of Ethical Conduct subject to the comments below. As long as your work does not involve EPA time or property; does not involve work with entities which could gain an advantage at EPA through the exercise of your official duties; does not imply EPA endorsement of your product or services; and does not otherwise interfere with the performance of your official duties, your employment will not create a conflict of interest with your position at EPA.

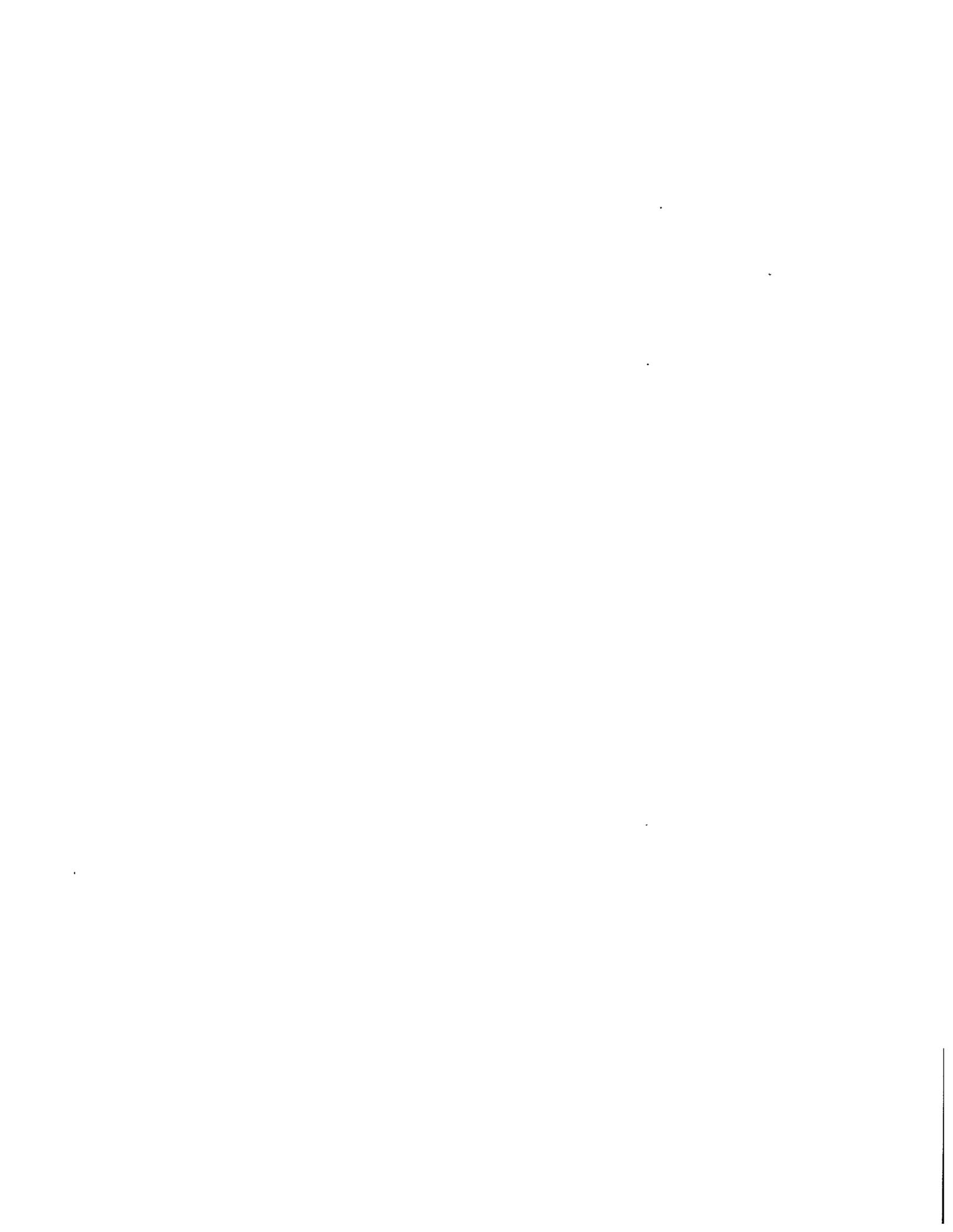
Please be aware that the Emoluments Clause of the United States Constitution, Article I, § 9, prohibits anyone holding an office of profit or trust under the United States from accepting any gift, office, title or emolument, including salary or compensation, from any foreign government except as authorized by Congress. Certain governments may be so inextricably linked to what would normally be considered as the private sector, that being paid in that country may not be possible at all.

Also, 18 U.S.C. § 219 provides criminal sanctions for any public official acting as an agent for a foreign principal if the employee would be required to register as a foreign agent

under 22 U.S.C. § 611 et seq. This limits what you may do on behalf of foreign principles.

Be aware that under 5 C.F.R. 2635.807 you are prohibited from receiving compensation for teaching, speaking or writing that relates to your official duties. This regulation prohibits you from teaching to the general public, but would not prevent you from conducting training sessions on environmental sampling and analysis as part of the consulting arrangement you are contemplating.

If you have any questions, please feel free to contact Kevin Beswick at 404-562-9580 .





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION 4  
 ATLANTA FEDERAL CENTER  
 61 FORSYTH STREET  
 ATLANTA, GEORGIA 30303-8960

AUG 28 2001

4EAD

MEMORANDUM

SUBJECT: Approval of Outside Employment Activity

FROM: Russell L. Wright, Jr., Deputy Ethics Official  
 Acting Deputy Regional Administrator

TO: exemption to  
 Water Management Division

*Russell L. Wright, Jr.*

The purpose of this memorandum is to respond to your August 15, 2001, request for administrative approval of outside employment. Specifically, you propose to teach a number of short courses at the university level. Although this teaching appears related to your official duties, ethics regulations at 5 C.F.R. § 2635.807(a)(3) permit you to accept compensation because the courses are part of a regularly established curriculum at an institution of higher learning. You have stated that this work will not involve use of official time, or government property, resources, or facilities not available to the general public.

Based on the information provided in your request, I have determined that your proposed outside employment is not expected to involve conduct prohibited by statute or Federal regulations, including 5 C.F.R. Part 2635 (Standards of Ethical Conduct for Employees of the Executive Branch) and § 6401.102 (Prohibited financial interests). Accordingly, I hereby approve your request to engage in this outside employment activity as described. In addition, because this activity may occur on a continuing basis, this approval shall cover similar classes for the next five years.

You are cautioned that an outside employment relationship constitutes a "financial interest" in the employer, such that you are prohibited by a criminal statute from participating in any "particular matter" affecting that employer while your outside employment continues. 5 C.F.R. § 2635, Subpart D. Additionally, you should remain mindful of the prohibition at 5 C.F.R. § 2635.703(a) concerning unauthorized disclosure of "nonpublic information" for private purposes.

If there is a change or error in the stated factual information concerning your outside employment, or if you have any questions about this matter, you should contact Kevin Beswick of the Region 4 Ethics Team at (404) 562-9580.

*NR*  
*Matis:*  
*Good*  
*Efforts!*  
*Do it*  
*great job,*  
*use it.*  
*Thanks*  
*K...*





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

APR 25 2001

4DRA

MEMORANDUM

SUBJECT: Request for Permission to Engage in Outside Employment

FROM: Russell L. Wright, Jr., Deputy Ethics Official  
Acting Deputy Regional Administrator

TO: *exemption*  
Aquatic Biologist  
Bioassessment and Toxics Evaluation Section  
Ecological Assessment Branch

The purpose of this memorandum is to respond to your memorandum requesting approval for outside employment.

ISSUE PRESENTED

Whether your contemplated outside employment violates the Standards of Ethical Conduct and creates a conflict of interest with your Federal employment.

BRIEF ANSWER

Subject to the restrictions noted below, your outside employment does not violate the Standards of Ethical Conduct and, hence, does not create a conflict of interest with your Federal employment at EPA.

FACTS

In your memorandum and in subsequent telephone conversations, you stated the following facts. You are a regional authority on macroinvertebrate ecology. You plan to seek work as a consultant, possibly involving the training of others in the techniques of bioassessment, and in generating bioassessment plans. This work would likely be for environmental consulting firms, and would not involve actually making the bioassessments.

## DISCUSSION

Generally, an employee may engage in outside employment or other outside activity subject to certain restrictions. See 5 C.F.R. § 2635 subparts A-H.

These restrictions prohibit an EPA employee from using EPA time and resources during official work hours to perform his or her outside duties. 5 C.F.R. §§ 2635.101, 2635.704-705.

The employee's outside employment must not involve work with entities which could gain an advantage at EPA through the employee's exercise of his or her official duties. 5 C.F.R. §§ 2635.101(b)(7), 2635.702, 2635.801(c). Employees also must ensure that their outside employment is not construed as implying an official EPA endorsement of any product or service. 5 C.F.R. § 2635.702(b).

An EPA employee may not engage in outside employment or activities that conflict with the employee's official duties. An activity or employment will conflict with official duties if it is prohibited by statute, or will require the employee's disqualification from matters central and critical to the performance of the employees official duties. 5 C.F.R. § 2635.802.

In addition, 18 U.S.C. § 205(a) prohibits Federal employees from acting:

[A]s agent or attorney for prosecuting any claim against the United States, . . . or, . . . as agent or attorney for anyone before any department, agency, court, court-martial, officer, or civil, military, or naval commission in connection with any covered matter in which the United States is a party or has a direct and substantial interest.

## ANALYSIS

The information you provided indicates that your outside employment does not violate the Standards of Ethical Conduct subject to the comments below. As long as your work does not involve EPA time or property; does not involve work with entities which could gain an advantage at EPA through the exercise of your official duties; does not imply EPA endorsement of your product or services; and does not otherwise interfere with the performance of your official duties, your employment will not create a conflict of interest with your position at EPA.

Be aware that under 5 C.F.R. 2635.807 you are prohibited from receiving compensation for teaching, speaking or writing that relates to your official duties. This regulation prohibits you from teaching to the general public, but would not prevent you from conducting training sessions on bioassessments as part of the consulting arrangement you are contemplating.

If you have any questions, please feel free to contact Kevin Beswick at 404-562-9580 .



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET, SW  
ATLANTA, GEORGIA 30303-8909

APR 05 1999

4EAD

MEMORANDUM

SUBJECT: Approval of Outside Employment Activity  
(99-02-A5)

FROM: Phyllis P. Harris *PPHarris*  
Deputy Ethics Official

TO: *exemption*  
Environmental Accountability Division

The purpose of this memorandum is to respond to your February 12, 1999, request for administrative approval of outside employment as an environmental consultant. More specifically, you propose to work as an associate for *exemption*, or other environmental consulting firms. The scope of environmental work is expected to include international environmental work, environmental work for companies not regulated by EPA who are regulated by States, environmental work for companies not regulated by EPA who are regulated by local or district authorities, and environmental work for non-profit entities such as churches, and neighborhood associations, not regulated by EPA and not under any EPA initiatives. In addition, you intend to perform engineering work which is not environmental regulatory work. No official duty time or Government property, resources or facilities not available to the general public would be used in this outside activity.

Based on the information in the request, together with your conversations with your supervisor and with Kevin Beswick, I have determined that your proposed outside employment is not expected to involve conduct prohibited by statute or Federal regulations, including 5 C.F.R. Part 2635 (Standards of Ethical Conduct for Employees of the Executive Branch) and § 6401.102 (Prohibited financial interests). Accordingly, I hereby approve your request to engage in this outside employment activity as you have described it, subject to the restrictions set forth below.

As you know, an outside business relationship such as providing consulting services to a client for a fee, constitutes a "financial interest" in the client, 5 C.F.R. S 2640.103(b), such that you are prohibited by a criminal statute, 18 U.S.C. § 208, from participating in any "particular matter" affecting that client while your business relationship continues. See generally, 5 C.F.R. § 2635, Subpart D. I understand that your immediate supervisor, the Accountábilíty Management

Branch Chief, has indicated that your duties as Compliance Assistance and P2 Technical Authority, are normally not so facility-specific as to make it likely that the outside consulting services you propose would require you to recuse yourself from EPA work so extensively or frequently as to materially impair your ability to perform the duties of your EPA position. Cf., 5 C.F.R. S 2635.802(b). Moreover, you have stated that you would take all necessary precautions to avoid accepting clients who are involved in imminent or current Region 4 enforcement cases, and that therefore situations in which you may be legally obliged to disqualify yourself from taking official action should be "rare." If, however, you subsequently discover that this outside consulting work may require your disqualification from any matter in which you would otherwise participate, you should notify me in writing, through your supervisor, immediately.

In light of your position as a member of the Environmental Accountability Division and the likelihood that at least some of your potential clients may be subject to regulation under RCRA and other statutes involved in your official work, you should take special care to avoid even the appearance that any of the Standards for Ethical Conduct have been violated, pursuant to 5 C.F.R. § 2635.801(c). In particular, you must be careful that you do not use or disclose in your outside consulting work any enforcement confidential or other "nonpublic information," as defined at 5 C.F.R. § 2635.703(b), and insure that your EPA affiliation, title or position, are not used to suggest any Government sanction or endorsement of your consulting services, as required under 5 C.F.R. § 2635.702(b)&(c).

If any change occurs in the nature or scope of your outside consulting work or if there is any inaccuracy in the above-stated description of it, you should contact Kevin Beswick of the Region 4 Ethics Team at (404) 562-9580.

cc: Scott Fulton, Designated Agency Ethics Official, OGC  
Sherri Fields, Accountability Management Branch Chief



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

APR 12 1999

4EAD

**MEMORANDUM**

**SUBJECT:** Approval of Outside Employment Activity  
(99-01-a5)

**FROM:** A. Stanley Meiburg  
Deputy Ethics Official

**TO:** ~~Ecological Assessment Branch~~  
Ecological Assessment Branch  
Science and Ecosystem Support Division

The purpose of this memorandum is to respond to your request dated February 18, 1999, seeking administrative approval to engage in outside activity as a consultant in the area of wildlife management, including establishment of food plots, timber management, wildlife damage control, habitat improvement, population estimation, habitat augmentation, harvest management, extension education, and lecturing. You have indicated that this work would involve consulting services to approximately two clients in the next six months. You have indicated that this activity is not likely to exceed one weekend per month, outside of normal duty hours, except in unusual circumstances when you may need to use approximately one day of annual leave per month. You have stated that no official duty time or Government property, resources or facilities not available to the general public will be used in connection with this outside activity, and that you have inquired of your employer and there will be no EPA assistance agreements or contracts held by a person to or for whom services would be provided. You have stated that you will not work on any matter pending before EPA or any other Federal agency.

Generally, an employee may engage in outside employment or other outside activities following prior approval pursuant to 5 C.F.R. § 6401.103 and subject to certain restrictions set forth in relevant law, including the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635 and Title 18 of the United States Code (U.S.C.). Based on the factual information before me and the representations made in your request, I have determined that your activities as a wildlife management consultant as described are not expected to involve conduct prohibited by statute or Federal regulation. While consulting activities which deal with the policies, program or operations of EPA can create conflicts of interest or appearance of impropriety, your described activities are sufficiently outside the scope of EPA policies, programs or operations so as to avoid such concerns. Your duties as a scientist in the Ecological Evaluation Section do not include activities which relate to wildlife management. Accordingly, I

am hereby approving your request to engage in this outside employment, within the limitations you have specified regarding the scope and the location of your proposed activities.

I caution you to insure that your EPA affiliation is not used to suggest any Government sanction or endorsement of your services, as required under 5 C.F.R. § 2635.702(b)&(c), and to avoid use or disclosure of Government "nonpublic information" in this outside activity, pursuant to 5 C.F.R. § 2635.703. Any requests for annual leave associated with this outside activity must be pre-approved by your immediate supervisor and may not conflict with your official EPA duties.

If there is a change or error in the above-stated factual information concerning your outside activity, or if you have any questions about this matter, you should contact David M. Moore of the Region 4 Ethics Team at (404) 562-9547.

cc: Scott Fulton, Designated Agency Ethics Official, OGC  
Russell L. Wright, Director, Science and Ecosystem Support Division



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

JUN 3 1999

4DRA

MEMORANDUM

SUBJECT: Request for Permission to Engage in Outside Employment  
99-04-A5

FROM: A. Stanley Meiburg, Deputy Ethics Official  
Deputy Regional Administrator

TO: ~~Senior Remedial Project Manager~~  
*exemption to*  
Senior Remedial Project Manager  
South Site Management Branch  
North Florida Section

The purpose of this memorandum is to respond to your memorandum dated June 2, 1999, requesting approval for outside employment.

ISSUE PRESENTED

Whether your contemplated outside employment violates the Standards of Ethical Conduct and creates a conflict of interest with your Federal employment.

BRIEF ANSWER

Subject to the restrictions noted below, your outside employment does not violate the Standards of Ethical Conduct and, hence, does not create a conflict of interest with your Federal employment at EPA.

FACTS

In your memorandum dated June 2, 1999, and in subsequent telephone conversations, you stated the following facts. You have been offered a position as a paid intern at *ex 6* in Washington D.C. This is in conjunction with an MBA program that you have been attending. The internship begins on June 7, 1999, and continues until August 27, 1999. During this period, you will be on leave without pay status at EPA.

## DISCUSSION

The general policy of EPA is that an employee may engage in outside employment or other outside activity subject to certain restrictions. See 5 C.F.R. § 2635 subparts A-H.

These restrictions prohibit an EPA employee from using EPA time and resources during official work hours to perform his or her outside duties. 5 C.F.R. §§ 2635.101, 2635.704-705.

The employee's outside employment must not involve work with entities which could gain an advantage at EPA through the employee's exercise of his or her official duties. 5 C.F.R. §§ 2635.101(b)(7), 2635.702, 2635.801(c). Employees also must ensure that their outside employment is not construed as implying an official EPA endorsement of any product or service. 5 C.F.R. § 2635.702(b).

An EPA employee may not engage in outside employment or activities that conflict with the employee's official duties. An activity or employment will conflict with official duties if it is prohibited by statute, or will require the employee's disqualification from matters central and critical to the performance of the employees official duties. 5 C.F.R. § 2635.802.

All employees are subject to the restrictions at 5 C.F.R. § 2634.807 against receiving compensation for teaching, speaking, or writing that relate to their official duties.

In addition, 18 U.S.C. § 205(a) prohibits Federal employees from acting:

[A]s agent or attorney for prosecuting any claim against the United States, . . . or, . . . as agent or attorney for anyone before any department, agency, court, court-martial, officer, or civil, military, or naval commission in connection with any covered matter in which the United States is a party or has a direct and substantial interest.

## ANALYSIS

The information you provided indicates that your outside employment does not violate the Standards of Ethical Conduct. As long as your work does not involve EPA time or property; does not involve work with entities which could gain an advantage at EPA through the exercise of your official duties; does not imply EPA endorsement of your product or services; and does not otherwise interfere with the performance of your official duties, your employment will not create a conflict of interest with your position at EPA.

If you have any questions, please feel free to contact Kevin Beswick at 404-562-9580 .



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

JUN 21 2000

4DRA

MEMORANDUM

SUBJECT: Request for Permission to Engage in Outside Employment

FROM: A. Stanley Meiburg, Deputy Ethics Official  
Deputy Regional Administrator

TO: *ext* Ph.D.  
Life Scientist  
Air, Pesticides & Toxics Management Division  
Pesticides Section

The purpose of this memorandum is to respond to your memorandum requesting approval for outside employment.

ISSUE PRESENTED

Whether your contemplated outside employment violates the Standards of Ethical Conduct and creates a conflict of interest with your Federal employment.

BRIEF ANSWER

Subject to the restrictions noted below, your outside employment does not violate the Standards of Ethical Conduct and, hence, does not create a conflict of interest with your Federal employment at EPA.

FACTS

In your memorandum and in conversations, you stated the following facts. You will be working as a consultant for the *exemption* providing program evaluation. You expect that the work will be concluded in about eight weeks, and you expect to spend approximately 4 hours per week on the project. The *ext* is involved in soil conservation and erosion control. You have no official duties that relate to the *ext* and the work itself is unrelated to your official duties.

## DISCUSSION

The general policy of EPA is that an employee may engage in outside employment or other outside activity subject to certain restrictions. See 5 C.F.R. § 2635 subparts A-H.

These restrictions prohibit an EPA employee from using EPA time and resources during official work hours to perform his or her outside duties. 5 C.F.R. §§ 2635.101, 2635.704-705.

The employee's outside employment must not involve work with entities which could gain an advantage at EPA through the employee's exercise of his or her official duties. 5 C.F.R. §§ 2635.101(b)(7), 2635.702, 2635.801(c). Employees also must ensure that their outside employment is not construed as implying an official EPA endorsement of any product or service. 5 C.F.R. § 2635.702(b).

An EPA employee may not engage in outside employment or activities that conflict with the employee's official duties. An activity or employment will conflict with official duties if it is prohibited by statute, or will require the employee's disqualification from matters central and critical to the performance of the employees official duties. 5 C.F.R. § 2635.802.

All employees are subject to the restrictions at 5 C.F.R. § 2634.807 against receiving compensation for teaching, speaking, or writing that relate to their official duties.

In addition, 18 U.S.C. § 205(a) prohibits Federal employees from acting:

[A]s agent or attorney for prosecuting any claim against the United States, . . . or, . . . as agent or attorney for anyone before any department, agency, court, court-martial, officer, or civil, military, or naval commission in connection with any covered matter in which the United States is a party or has a direct and substantial interest.

## ANALYSIS

The information you provided indicates that your outside employment does not violate the Standards of Ethical Conduct. As long as your work does not involve EPA time or property; does not involve work with entities which could gain an advantage at EPA through the exercise of your official duties; does not imply EPA endorsement of your product or services; and does not otherwise interfere with the performance of your official duties, your employment will not create a conflict of interest with your position at EPA.

Finally, an approval for outside activity generally applies to a type of activity, and not to one particular action. Because of the specificity of your request, this approval only applies to the work for the Q&A. If you should become involved in additional outside activity, please resubmit the request as a general request, and the approval can be amended to include additional activities.

If you have any questions, please feel free to contact Kevin Beswick at 404-562-9580 .



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
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LN  
copy

4EAD

OCT 18 1999

MEMORANDUM

SUBJECT: Approval of Outside Employment Activity

FROM: A. Stanley Meiburg  
Deputy Ethics Official

TO: Exemption 6  
Ecological Assessment Branch, SESD

The purpose of this memorandum is to respond to your request dated August 23, 1999, seeking administrative approval for outside employment activity involving your provision of technical services relating to water and wastewater treatment and water quality assessment. Specifically, you have indicated that the services you seek to perform would involve training clients in how to operate and maintain water and wastewater treatment plants and providing clients with measurements of water quality parameters related to waste contaminant loading and hydrology for their use in developing mathematical water quality models. You have stated that no Government information not available to the general public will be used in performing these services, and that you would not use official duty time, or Government property, resources or facilities not available to the general public in connection with your outside employment activity. You have further indicated, in your request and in discussions with Lawrence Neville of the Region 4 Ethics Team, that all the client entities for which you propose to perform these services, as well as all water bodies and/or treatment plants to be involved in this work, are located outside the boundaries of EPA Region 4.

Generally, an EPA employee may engage in outside employment or other outside activities, subject to certain restrictions set forth in relevant law, including the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635. Based on the factual information before me and the representations made in your request, I have determined that, as described, your proposed outside employment is not expected to involve conduct prohibited by statute or Federal regulation. Accordingly, I am hereby approving your request to engage in this outside employment, within the limitations you have specified regarding the scope and the location of your proposed activities, and also subject to the additional limitations set forth in the following paragraph.

Pursuant to 5 C.F.R. § 6401.103(d), you must submit a revised request for approval if there is a change in the nature or scope of the services you perform. You are particularly

cautioned to submit a new request if you propose to perform work involving any water body or treatment plant located in any part within any Region 4 state. Because of the similarity between the outside services you propose to provide and the types of technical services which, as part of your EPA job as Program Management Officer in the Ecological Assessment Branch, you are or may be involved in providing to Region 4 state environmental agencies administering EPA-delegated water programs, any proposal to perform this kind of outside activity for private parties regulated by these agencies would have to be examined carefully to determine whether it might materially impair your ability to perform the duties of your EPA position. Cf., 5 C.F.R. § 2635.802 (b).

Moreover, even with respect to the technical services outside this Region covered by this approval, I strongly caution you to insure not only that your EPA affiliation, title or position are not used to suggest any Government sanction or endorsement of these services, as required under 5 C.F.R. § 2635.702 (b)&(c), but also that your outside activities are conducted so as to avoid even the appearance that any of the Standards for Ethical Conduct have been violated, pursuant to 5 C.F.R. § 2635.801(c). The nature of the outside work in which you will be engaged may give rise to situations, even outside this Region, where any reference to your EPA duties could create an appearance of implied Agency endorsement of this work. For that reason, you should take every precaution to prevent any implication -- for example, from oral or written references to your EPA affiliation in the promotion of these outside services by you and/or your associates -- that such an endorsement exists. Finally, because of your supervisory responsibilities, I would caution you to consult closely with your supervisor to ensure that your absence on this work, even on leave, is not disruptive to the necessary operation of the Branch or the Division. I expect your Director and Deputy to carefully assess this factor in reviewing and approving leave requests for this purpose.

If there is any inaccuracy in or change to any of the above-stated factual information concerning your outside activity, or if you have any questions about this matter, you should contact Lawrence Neville of the Region 4 Ethics Team at (404) 562-9584.

cc: Donnell Nantkes, Alternate Designated Agency Ethics Official  
Russell L. Wright, Director, SESD  
Allan E. Antley, Deputy Director, SESD



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
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4EAD

**MEMORANDUM**

**SUBJECT:** Approval of Outside Activity

**FROM:** Phyllis P. Harris, Deputy Ethics Official  
Environmental Accountability Division

**TO:** *EX 6* Assistant Regional Counsel  
Office of CERCLA Legal Support, KY/NC/SC/TN  
Environmental Accountability Division

The purpose of this memorandum is to respond to your request, seeking administrative approval to engage in outside employment by providing legal services regarding a specific case in traffic court in *EX 6*. You indicate that you do not intend to provide legal services in the area of environmental law, and will not be compensated for you activity. You expect that this activity will involve less than 5 hours of work, which will be performed entirely outside of normal duty hours.

The general policy of EPA is that an employee may engage in outside employment or other activity subject to certain restrictions, set forth in 5 C.F.R. § 2635 (Standards of Ethical Conduct for Employees of the Executive Branch). Based on the factual information before me and the representations made in your request, I have determined that working self employed as an attorney providing legal services in this situation is not expected to involve conduct prohibited by statute or Federal Regulation. Thus, I hereby approve your request to engage in outside employment providing the aforementioned services.

Please be advised of the following restrictions pursuant to 5 C.F.R. § 2635, which are relevant to your proposed outside employment. An EPA employee is prohibited from using Agency time and resources during official work hours to perform their outside duties. 5 C.F.R. §§ 2635.101, 2635.704-705. Additionally, an EPA employee may not engage in outside employment or activity that conflicts with the employee's official duties. An activity or employment will conflict with official duties if it is prohibited by statute, or will require the employee's disqualification from matters central and critical to the performance of the employee's official duties. 5 C.F.R. § 2635.802. Further, you must insure that your EPA affiliation is not used to suggest any government sanction or endorsement of your services, as required under 5 C.F.R. § 2635-702(b) and (c). As you perform legal services to clients, you should be aware that 18 U.S.C. § 205, generally prohibits a federal employee from acting as the "agent" for another before any federal government agency on matters involving a "direct and

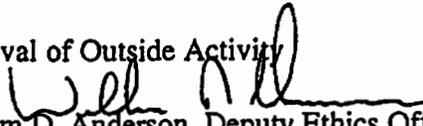
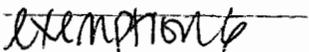




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

FEB 25 2008

MEMORANDUM

SUBJECT: Approval of Outside Activity  
FROM:   
William D. Anderson, Deputy Ethics Official  
Deputy Regional Counsel  
TO:   
Associate Regional Counsel

The purpose of this memorandum is to respond to your request submitted February 12, 2008, seeking administrative approval to engage in outside activity by providing legal services in the areas to include family law, real property and business law. You indicate that this work will involve less than 5 hours per week and will be performed entirely outside of normal duty hours of EPA.

Generally, an employee may engage in outside employment or other activity subject to certain restrictions, set forth at 5 C.F.R. § 2635 (Standards of Ethical Conduct for Employees of the Executive Branch). Based on the factual information before me and the representations made in your request, I have determined that providing legal services as indicated above is not expected to involve conduct prohibited by statute or Federal Regulation. Therefore, I approve your request to engage in outside employment providing the aforementioned services.

Please be advised of the following restrictions pursuant to 5 C.F.R. § 2635, which are relevant to your proposed outside employment. An EPA employee is prohibited from using Agency time and resources during official work hours to perform outside duties. 5 C.F.R. §§ 2635.101, 2635.704-705. Additionally, an EPA employee may not engage in outside employment or activity that conflicts with the employee's official duties. An activity or employment will conflict with official duties if it is prohibited by statute, or will require the employee's disqualification from matters central and critical to the performance of the employee's official duties. 5 C.F.R. § 2635.802. Further, you must insure that your EPA affiliation is not used to suggest any government sanction or endorsement of your services, as required under 5 C.F.R. § 2635-702(b) and (c). As you perform legal services to clients, you should be aware that 18 U.S.C. § 205, generally prohibits a federal employee from acting as the "agent" for another before any federal government agency on matters involving a "direct and substantial interest" of the United States. This caution extends to all federal disputes.

If there is a change in the above stated factual information or if you have any questions about this matter, please contact Susan B. Schub of the Region 4 Ethics Team at ext. 2-9586.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

**MEMORANDUM**

**SUBJECT:** Request for Approval of Outside Employment

**FROM:** ~~exemption 6~~  
Associate Regional Counsel *ex 6*

**THRU:** Suzanne Rubini, Chief *Suzanne Rubini*  
Office of Water Legal Support

**TO:** William Anderson, Deputy Ethics Official  
Deputy Regional Counsel

**DATE:** February 12, 2008

The purpose of this memorandum is to request approval of outside employment pursuant to 5 C.F.R. § 6401.103. I am presently an Attorney Adviser assigned to the Office of Water Legal Support, GS 14. The nature of the outside activity includes, but is not limited to, providing legal services in the areas of family law, real property and business law. It is estimated that no more than five (5) hours per week will be devoted to outside activities. The basis of the compensation will be fees which are estimated to be approximately *ex 6* per year. All of the aforementioned services will be performed entirely outside of the normal duty hours of EPA.

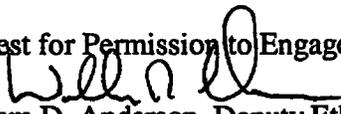
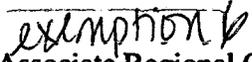
The outside employment to be secured will be consistent with the guidelines and limitations outlined at 40 C.F.R. § 6401.103(b)(6) and (8). Specifically, the outside activity will not involve the use of my time during official working hours; will not involve the use of official Government facilities (for example, office space, telephones, office machines or supplies) or the services of other employees during duty hours; will not interfere with the efficient performance of Government duties or impair my mental or physical capacity to perform such duties; and will not involve the use of information obtained as a result of Government employment which has not been made available to the general public. I have read, and become familiar with, and will abide by the restrictions described in 5 C.F.R. §§ 2635 and 6401.102.

I understand that this request for approval is confidential and may not be disclosed except to the Deputy Ethics Official and/or his designee and designated staff who assist him.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
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ATLANTA, GEORGIA 30303-8960

MEMORANDUM

SUBJECT: Request for Permission to Engage in Outside Employment  
FROM:   
William D. Anderson, Deputy Ethics Official  
Deputy Regional Counsel  
TO:   
Associate Regional Counsel  
Office of Environmental Accountability

The purpose of this memorandum is to respond to your November 21, 2007, memorandum requesting approval to teach a the class "Climate Change and the Law" at *EXB* University School of Law for the spring semester of 2008. You indicated in your memorandum that you will receive compensation of *EXB* teaching the course and that you will spend approximately 8 hours per week during the semester preparing for and teaching the class. You also stated that you will not use Agency time and resources or use nonpublic Agency information in connection with teaching the course.

The Standards of Ethical Conduct generally restrict an employee from receiving compensation from any non-Government source for teaching, speaking or writing related to the employee's official duties. However, there is an exception to this prohibition which allows an employee to accept compensation for teaching a course requiring multiple presentations if the course is offered as part of the regularly established curriculum of an institution of higher education. This exception is found at 5 C.F.R. § 2635.807(a)(3). Based on your description of your proposed activity, it appears that it will meet the conditions of this exception.

As you have discussed with the Regional Ethics Team, in addition to the considerations discussed above, you are not to use or permit the use of your official title or position to identify you in connection with the teaching activity other than to include such information as one of several biographical details. Moreover, the Standards of Ethical Conduct for Employees of the Executive Branch require that your EPA affiliation not be used to suggest any government sanction or endorsement of your services. 5 C.F.R. § 2635.702(b). You may satisfy this requirement by communicating to your audience a disclaimer such as the following: "The information presented in this course expresses my personal views and does not necessarily reflect the official position of the EPA."

Based on the representations you have made in your request and the other factual information before me, I have determined that teaching the class you seek permission to teach is not expected to involve conduct prohibited by statute or by Federal regulation. Accordingly, I am hereby approving your request to engage in this outside employment activity within the limitations described above.

If there is a change or error in the above-stated factual information concerning your outside activity, or if you have any questions about this matter, please contact Richard Glaze of the Region 4 Ethics Team at (404)562-9554.

cc: Nancy Tommelleo



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
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**MEMORANDUM**

**SUBJECT:** Request for Approval of Outside Employment

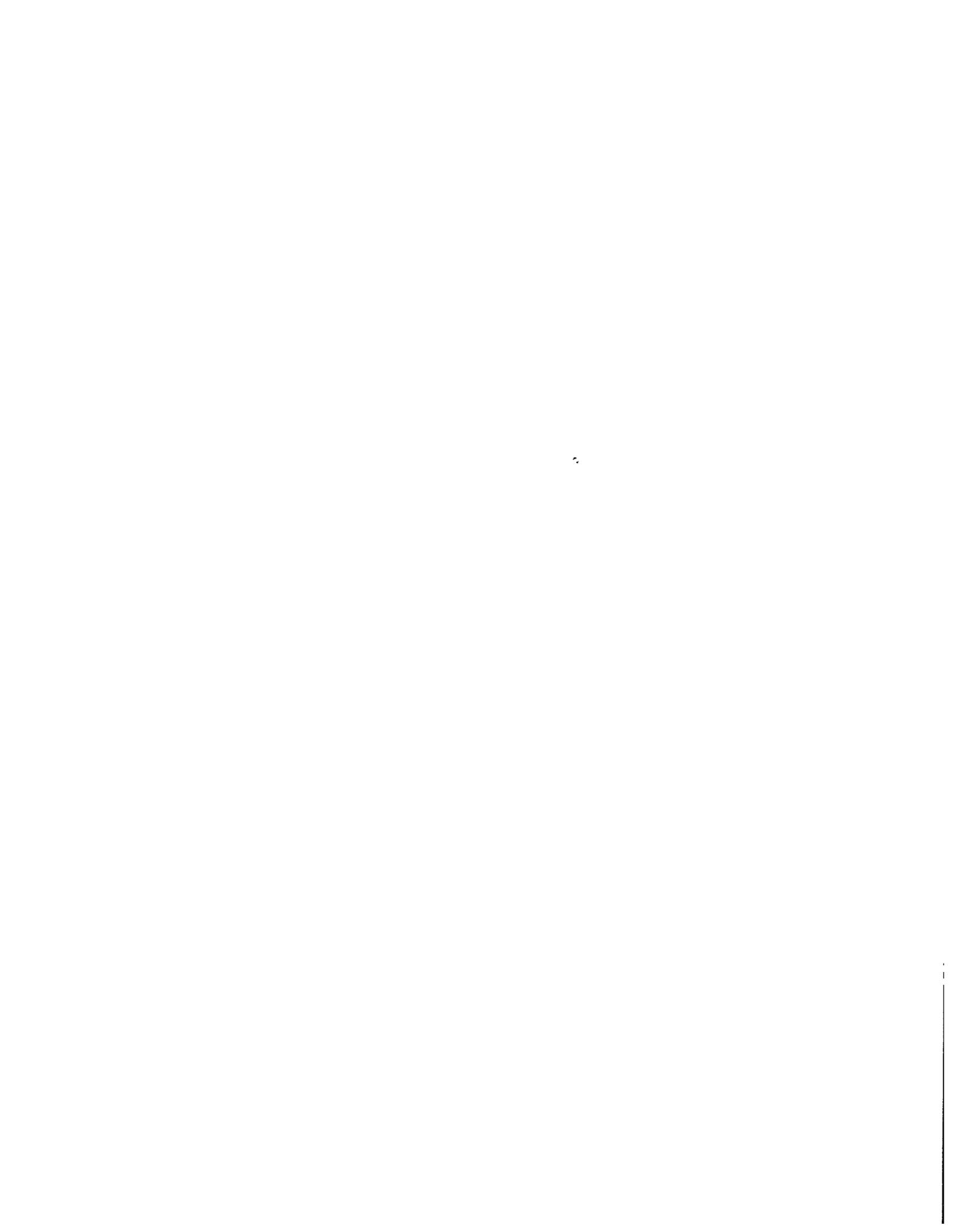
**FROM:** exemption b  
Associate Regional Counsel  
Office of Environmental Accountability

**THRU:** Nancy L. Tommelleo, Chief NLI  
Office of Air Toxics & General Law  
Office of Environmental Accountability

**TO:** William D. Anderson  
Deputy Regional Counsel  
Office of Environmental Accountability

Pursuant to 5 C.F.R. § 6401.103, I am seeking prior approval for outside employment currently set to begin on Wednesday January 2, 2008. I am a GS-14 Associate Regional Counsel with the Office of Environmental Accountability, U.S. EPA Region 4. I was asked to teach a 2-credit class at the ex b School of Law for Spring Semester 2008. The class is entitled, "Climate Change and the Law," and will be offered on Wednesdays from 6-8 p.m. The compensation is \$ ex b for the semester. I anticipate spending approximately eight hours per week preparing for and teaching the class, all of which I will perform entirely outside of normal duty hours. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment.

I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and Section 6401.102. Should a conflict of interest arise between my work at EPA and this outside employment, I will immediately step down from the outside employment. I am not currently aware of any conflicts between my work at EPA and the outside employment. I am also not aware of any EPA assistance agreements or contracts held by ex b University School of Law.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER  
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ATLANTA, GEORGIA 30303-8960

NOV - 9 2001

4EAD

MEMORANDUM

SUBJECT: Approval of Outside Employment Activity

FROM: Russell L. Wright, Jr., Deputy Ethics Official  
Acting Deputy Regional Administrator

TO: *exemption to*  
Life Scientist, Pesticide and Toxic Substances Branch

The purpose of this memorandum is to respond to your June 25, 2001, request for administrative approval of outside employment. You intend to provide consulting services and possibly expert testimony in tort cases involving the alleged misapplication of pesticides, and/or manufacturing and cultural practices involving pesticides. You have stated that this work will not involve cases in which state or federal pesticide regulatory agencies have an interest, and that you intend to avoid cases where a party is likely to be a subject of an EPA enforcement action. You have also stated that this work will not involve use of official time, or government property, resources, or facilities not available to the general public.

Based on the information provided in your request, I have determined that your proposed outside employment is not expected to involve conduct prohibited by statute or Federal regulations, including 5 C.F.R. Part 2635 (Standards of Ethical Conduct for Employees of the Executive Branch) and § 6401.102 (Prohibited Financial Interests). Accordingly, I hereby approve your request to engage in this outside employment activity as described.

You are cautioned that an outside employment relationship constitutes a "financial interest" in the employer, such that you are prohibited by a criminal statute from participating in any "particular matter" affecting that employer while your outside employment continues. 5 C.F.R. § 2635, Subpart D. You should also remain mindful of the prohibition at 5 C.F.R. § 2635.703(a) concerning unauthorized disclosure of "nonpublic information" for private purposes.

In addition, 18 U.S.C. § 205 prohibits you from acting as "agent or attorney for prosecuting any claim against the United States" or from acting as agent or attorney "for anyone before any department, agency, court, court-martial, officer, or civil, military, or naval commission in connection with any covered matter in which the United States is a party or has a direct and substantial interest."

Be aware that 5 C.F.R. § 2635.805 restricts your activities as an expert witness. "An employee shall not serve, other than on behalf of the United States, as an expert witness, with or without compensation, in any proceeding before a court or agency of the United States in which the United States is a party or has a direct and substantial interest, unless the employee's participation is authorized by the agency under paragraph (c) of this section."

While you have stated that you will not participate in cases where state or federal pesticide regulatory agencies are involved, the above statutes and regulations are not limited to those agencies. You are prohibited from participation in cases where any federal entity is a party or has a direct and substantial interest. If it appears that a federal entity may have a direct and substantial interest, please contact your ethics official before getting involved.

CL -  
Keep  
all details  
clear!!

Of particular concern is your unofficial position as the EPA Region 4 "National Expert" on pesticides. In this position, you may be called on to offer expert testimony on behalf of EPA. Because you would be prohibited from testifying in an official matter involving a party you have a financial relationship with, you would have to recuse yourself from any official matter involving such a party.

Based on information you submitted, you will not know who your potential clients are until this approval has been granted. You have indicated that you intend to accept work only from clients where a conflict is highly unlikely, and to avoid clients who are or may be subject to enforcement actions by EPA. This will also give you the opportunity to determine the universe of clients who may seek your expertise. In the event that you do accept a party as a client, and that client becomes involved in an action with EPA, you must recuse yourself from any official involvement in the action. Should your outside activity grow to the point where you would be required to recuse yourself from many official actions, and it would impact your ability to perform your official duties, this approval may need to be reconsidered.

CL -  
Please  
stay o  
top of  
the  
situation  
at all  
times  
Thank  
Recu

Finally, your outside employment must not involve EPA time or property or make use of non-public information, and must not involve work with entities which could gain an advantage at EPA through the exercise of your official duties, or imply EPA endorsement of your product or services.

If there is a change or error in the stated factual information concerning your outside employment, or if you have any questions about this matter, you should contact Kevin Beswick of the Region 4 Ethics Team at (404) 562-9580.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 4  
ATLANTA FEDERAL CENTER  
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4EAD

**MEMORANDUM**

**SUBJECT:** Approval of Outside Activity

**FROM:** Phyllis P. Harris, Deputy Ethics Official  
Environmental Accountability Division *Phyllis Harris*

**TO:** *RL* Associate Regional Counsel  
Office of RCRA Legal Support  
Environmental Accountability Division

The purpose of this memorandum is to respond to your request, seeking administrative approval to engage in outside employment by providing legal services for an EPA employee engaged in an EEO complaint against the Agency. You expect that this activity will involve less than 12 hours of work, which will be performed entirely outside of normal duty hours.

Generally, an employee may engage in outside employment or other outside activity subject to certain restrictions. See 5 C.F.R. § 2635 subparts A-H. (Standards of Ethical Conduct for Employees of the Executive Branch). Based on the factual information before me and the representations made in your request, I have determined that representing an employee in an EEO action against the Agency is not expected to involve conduct prohibited by statute or Federal Regulation. Thus, I hereby approve your request to engage in this outside activity subject to the following restrictions.

An EPA employee is prohibited from using Agency time and resources during official work hours to perform their outside duties. 5 C.F.R. §§ 2635.101, 2635.704-705. Additionally, an EPA employee may not engage in outside employment or activity that conflicts with the employee's official duties. An activity or employment will conflict with official duties if it is prohibited by statute, or will require the employee's disqualification from matters central and critical to the performance of the employee's official duties. 5 C.F.R. § 2635.802. Further, you must insure that your EPA affiliation is not used to suggest any government sanction or endorsement of your services, as required under 5 C.F.R. § 2635-702(b) and (c). An EPA employee is restricted from using information obtained as a result of their government employment that has not been made available to the public. 5 C.F.R. §§ 2635.101(b)(3) 2635.703.

As you perform legal services for your client, you should be aware that 18 U.S.C. § 205, generally prohibits a federal employee from acting as the "agent or attorney" for another before

any federal government agency on matters involving a "direct and substantial interest" of the United States. However, 18 U.S.C. § 205(d)(1) allows an exception:

Nothing in subsection (a) or (b) prevents an officer or employee, if not inconsistent with the faithful performance of that officer's or employee's duties, from acting without compensation as agent or attorney for, or otherwise representing--

(A) any person who is the subject of disciplinary, loyalty, or other personnel administration proceedings in connection with those proceedings...

Under this exception, you are allowed to represent an employee in an EEO action as long as you are doing it without compensation, and so long as your own official duties do not involve personnel work.

If there is a change or error in the above stated factual information concerning your outside activity, or if you have any questions about this matter, you should contact Kevin Beswick of the Region 4 Ethics Team at (404) 562-9580.

cc: Anna L. Wolgast  
Designated Agency Ethics Official



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

December 3, 2004

MEMORANDUM

From: ex 6 GS-15 Step 10 ex 6  
Tribal Relations Program Coordinator

To: Stan Meiburg  
Regional Ethics Official

Thru: Allen Barnes  
Chief of Staff

Subject: Permission for Outside Employment

I request approval to teach courses at colleges and universities in the Atlanta area. I received permission to teach courses at the exemption 6 when I worked in the Environmental Accountability Division and now that I have been transferred to the Regional Administrator's Office, I am requesting this permission be extended. This request is made with the full knowledge that any courses I conduct will be taught after my normal business hours and will in no way interfere with my duties and responsibilities at EPA, including my need to travel in my federal position. I will not have to request any special treatment or handling as a result of my teaching duties.

I further certify that any course taught is not a conflict of interest with my federal position. I will not need to recuse myself from any of my federal responsibilities as a result of my association with any college or university.

I anticipate I will be teaching no more than one course per semester, classroom time being approximately 3 hours per week. My compensation averages \$6,750 per semester.

I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.

Concur  Nonconcur

Allen Barnes

Concur  Nonconcur

Stan Meiburg



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

345 COURTLAND STREET, N.E.  
ATLANTA, GEORGIA 30365

SEP 22 1995

4DRA

MEMORANDUM

SUBJECT: Request for Permission to Engage in Outside Employment

FROM: Patrick M. Tobin, Deputy Ethics Official *Patrick M. Tobin*  
Office of Deputy Regional Administrator

TO: *ALV*  
Air, Pesticides and Toxics Management Division

The purpose of this memorandum is to respond to your memorandum dated September 14, 1995, requesting a determination of any ethical problems posed by your employment to teach at various colleges and universities in the Atlanta area (outside employment).

ISSUE PRESENTED

Whether your outside employment violates the Standards of Ethical Conduct and creates a conflict of interest with your Federal employment.

BRIEF ANSWER

Subject to the restrictions noted below, your outside employment does not violate the Standards of Ethical Conduct and, hence, does not create a conflict of interest with your Federal employment at EPA.

FACTS

In your memorandum dated September 14, 1995, you stated the following facts. You are planning to teach courses at colleges and universities in the Atlanta area. The courses will be taught after your normal business hours and will not interfere with your duties and responsibilities at EPA. You anticipate that you will be teaching one course per quarter for approximately 3 hours per week.

DISCUSSION

The general policy of EPA is that an employee may engage in outside employment or other outside activity subject to certain restrictions. See 5 C.F.R. § 2635 subparts A - H.

These restrictions prohibit an EPA employee from using EPA time and resources during official work hours to perform his or her outside duties. 5 C.F.R. §§ 2635.101, 2635.704 - 705. Similarly, the employee is restricted from using information obtained as a result of government employment and which has not been made available to the public. 5 C.F.R. §§ 2635.101(b)(3), 2635.703.

The employee's outside employment must not involve work with entities which could gain an advantage at EPA through the employee's exercise of his or her official duties. 5 C.F.R. §§ 2635.101(b)(7), 2635.702, 2635.801(c). Employees also must ensure that their outside employment is not construed as implying an official EPA endorsement of any product or service. 5 C.F.R. § 2635.702(b).

The Teaching, Speaking and Writing regulations specifically allow for compensation for such teaching, speaking and writing if the course requires multiple presentations and if the course is offered as part of the regularly established curriculum of an institution of higher education as defined at 20 U.S.C. § 1141(a), elementary school, or a secondary school. 5 C.F.R. § 2635.807(a)(3)(i). An institution of higher education as defined in 20 U.S.C. § 1141(a) only accepts students with a high school diploma or its equivalent, has State authority to provide an education beyond the secondary education level, provides a bachelor's degree or a two year program towards achieving a bachelor's degree, is a public or nonprofit institution, and is accredited.

In addition, there are specific restrictions on teaching activities apart from those listed above. Government travel or per diem funds can not be used and the teaching can not involve instruction on dealing with specific matters pending before EPA. 40 C.F.R. § 3.505.

#### ANALYSIS

Because your outside employment will not involve information obtained as a result of government employment and which has not been made available to the public; will not involve entities which could gain an advantage at EPA through the exercise of your official duties; will not involve any matters in which you are involved as a government employee; and, will not involve matters that are the subject of your official responsibilities, your outside employment will not violate the Standards of Ethical Conduct.

As long as any work you do is not on government time and does not use government property or otherwise interferes with the performance of your official duties, your outside employment will not violate EPA regulations, as set forth in 5 C.F.R. §§ 2635.

subparts A - H, and there is no conflict of interest. However, should any matters you handle involve any of the colleges and universities at which you teach, you may need to recuse yourself from such matters in order to avoid an appearance of impropriety and you must inform your supervisors of your recusal.

You do not state whether you will receive compensation for your teaching activities. You may receive compensation only if you make more than one presentation per course and the colleges/universities at which you teach meet the criteria set forth in 20 U.S.C. § 1141(a) as described above.

Finally, you must be extremely careful in your teaching duties to ensure that the viewpoints provided are strictly those of your own and do not imply EPA endorsement. Also, you must be careful not to instruct your students on dealing with specific matters pending before the Agency.

If you have any questions, please contact Leslie Bell of the Office of Regional Counsel at 347-2641, extension 2231.

Memorandum

September 14, 1995

From:

*exemption*

To:

Pat Tobin  
Regional Ethics Official

Thru:

Winston Smith, Director  
Air, Pesticides and Toxics Management Division

Subject: Permission for Outside Employment

I hereby request permission to teach courses at colleges and universities in the Atlanta area. This request is made with the full knowledge that any courses I conduct will be taught after my normal business hours and will in no way interfere with my duties and responsibilities at EPA, including my need to travel in my federal position. I will not have to request any special treatment or handling as a result of my teaching duties.

I certify that any course taught is not a conflict of interest with my federal position. I will not need to recuse myself from any of my federal responsibilities as a result of teaching or my association with any college or university.

I anticipate that I will be teaching no more than one course per quarter, classroom time being approximately 3 hours per week. Adjunct professors normally teach after 6 pm on Mondays through Fridays.

Concur

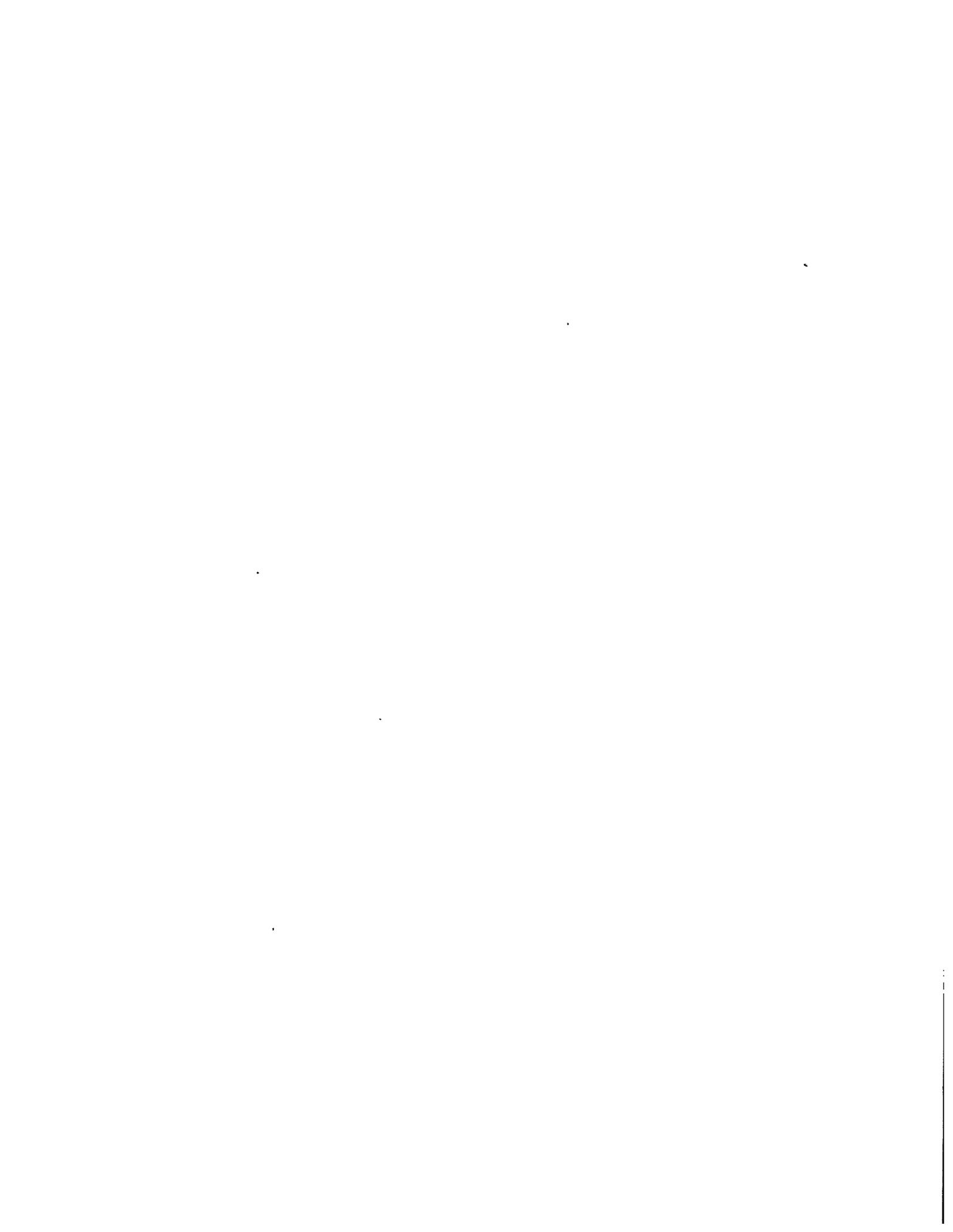
Nonconcur

*Bruce P. Miller for*  
Winston Smith

Concur

Nonconcur

*Patric M. Tobin*  
Pat Tobin





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

MAR 08 2007

MEMORANDUM

SUBJECT: Approval of Outside Activity  
FROM: *Will D. Anderson*  
William D. Anderson, Deputy Ethics Official  
Deputy Regional Counsel  
TO: *exemption b*  
Regional Judicial Officer

The purpose of this memorandum is to respond to your request submitted March 6, 2007, seeking administrative approval to engage in outside activity serving as a volunteer attorney with the *exemption b*. You indicate that you intend to provide legal representation in matters involving special education to clients of the *EDU*. The work will not involve entities with which you are involved in your official capacity. Furthermore, you expect that this work will involve less than 10 hours per week and will be performed entirely outside of normal duty hours.

Generally, an employee may engage in outside employment or other activity subject to certain restrictions, set forth at 5 C.F.R. § 2635 (Standards of Ethical Conduct for Employees of the Executive Branch). Based on the factual information before me and the representations made in your request, I have determined that providing legal services as indicated above is not expected to involve conduct prohibited by statute or Federal Regulation. Therefore, I approve your request to engage in outside employment providing the aforementioned services.

Please be advised of the following restrictions pursuant to 5 C.F.R. § 2635, which are relevant to your proposed outside employment. An EPA employee is prohibited from using Agency time and resources during official work hours to perform outside duties. 5 C.F.R. §§ 2635.101, 2635.704-705. Additionally, an EPA employee may not engage in outside employment or activity that conflicts with the employee's official duties. An activity or employment will conflict with official duties if it is prohibited by statute, or will require the employee's disqualification from matters central and critical to the performance of the employee's official duties. 5 C.F.R. § 2635.802. Further, you must insure that your EPA affiliation is not used to suggest any government sanction or endorsement of your services, as required under 5 C.F.R. § 2635-702(b) and (c). As you perform legal services to clients, you should be aware that 18 U.S.C. § 205, generally prohibits a federal employee from acting as the "agent" for another before any federal

government agency on matters involving a "direct and substantial interest" of the United States. This caution extends to all federal disputes.

If there is a change in the above stated factual information or if you have any questions about this matter, please contact Richard Glaze of the Region 4 Ethics Team at ext. 2-9554.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
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MEMORANDUM

Date: March 6, 2007

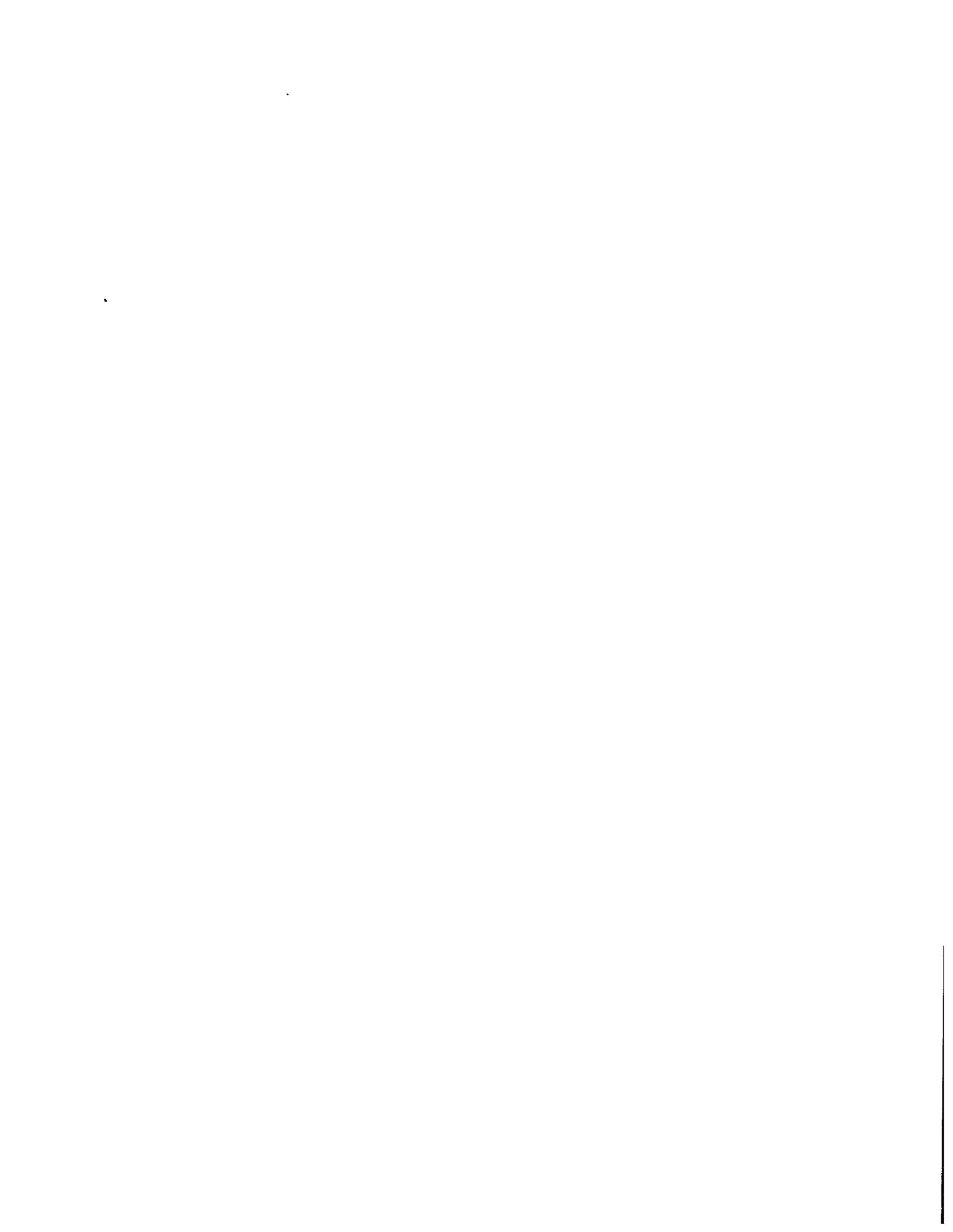
TO: William D. Anderson  
Deputy Ethics Officer, OEA

FROM: exemption b  
Regional Judicial Officer

The purpose of this memorandum is to request approval for outside activity pursuant to 5 C.F.R § 6401.103. I will be serving as a volunteer attorney with the Atlanta exemption b and intend to provide legal representation in matters involving special education to clients of the etc. The work will not involve entities with which I am involved in my employment. I will not be compensated for this employment.

The outside employment will involve less than 10 hours per week, will be performed entirely outside of normal duty hours, and will not interfere with my official duties.

As provided in 5 C.F.R. § 6401.103(b)(6) and (8), no official duty time, Government property, resources, or facilities not available to the general public will be used in connection with the outside employment. I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. 2635 and 6401.102.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
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ATLANTA, GEORGIA 30303-8960

MAR 30 2000

4EAD

MEMORANDUM

SUBJECT: Approval of Outside Employment Activity

FROM: A. Stanley Meiburg  
Deputy Ethics Official

TO: *ext*  
Toxicologist, Office of Technical Services  
Waste Division

The purpose of this memorandum is to respond to your request seeking administrative approval to engage in outside activity as a consultant regarding statistics and mathematical modeling as a sole proprietor of a business which you will engage in. You expect to be consulting for several attorneys and environmental consulting companies. Your role is to be that of a consulting expert and perhaps as a testifying expert, but you have limited your request to approval as a testifying expert where the United States is not a party nor has a direct and substantial interest. This is a supplement to your previously approved outside activity request as consultant for *exemption 6* and teaching services for *ext* and the *ext*. None of the above referenced activities occur during EPA normal duty hours.

You have stated that no official duty time or Government property, resources or facilities not available to the general public will be used in connection with this outside activity, and that you have inquired of your employer and there will be no EPA assistance agreements or contracts held by a person to or for whom services would be provided.

Generally, an employee may engage in outside employment or other outside activities following prior approval pursuant to 5 C.F.R. § 6401.103 and subject to certain restrictions set forth in relevant law, including the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635 and Title 18 of the United States Code (U.S.C.). Based on the factual information before me and the representations made in your request, I have determined that your activities are not expected to involve conduct prohibited by statute or Federal regulation. Accordingly, I am hereby approving your request to engage in this outside employment, within the limitations you have specified regarding the scope and the location of your proposed activities.

I caution you to insure that your EPA affiliation is not used to suggest any Government

sanction or endorsement of your services, as required under 5 C.F.R. § 2635.702(b)&(c), and to avoid use or disclosure of Government "nonpublic information" in this outside activity, pursuant to 5 C.F.R. § 2635.703. Any requests for annual leave associated with this outside activity must be pre-approved by your immediate supervisor and may not conflict with your official EPA duties.

If there is a change or error in the above-stated factual information concerning your outside activity, or if you have any questions about this matter, you should contact David M. Moore of the Region 4 Ethics Team at (404) 562-9547.

cc: Scott Fulton, Designated Agency Ethics Official, OGC  
Elmer W. Akin, Chief, Office of Technical Services  
Waste Management Division



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

NOV 4 1999

4EAD

MEMORANDUM

SUBJECT: Approval of Outside Employment Activity  
(00-01-a5)

FROM: A. Stanley Meiburg  
Deputy Ethics Official

TO: *Exemption to*  
Toxicologist, Office of Technical Services  
Waste Division

The purpose of this memorandum is to respond to your request seeking administrative approval to engage in outside activity as a consultant for the *exemption to* regarding statistics and physiologically-based pharmacokinetic modeling services. Your role is to be that of a consulting expert, not a testifying expert, and you do not expect your work will involve litigation. None of the above referenced activities occur during EPA normal duty hours.

You have stated that no official duty time or Government property, resources or facilities not available to the general public will be used in connection with this outside activity, and that you have inquired of your employer and there will be no EPA assistance agreements or contracts held by a person to or for whom services would be provided.

Generally, an employee may engage in outside employment or other outside activities following prior approval pursuant to 5 C.F.R. § 6401.103 and subject to certain restrictions set forth in relevant law, including the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635 and Title 18 of the United States Code (U.S.C.). Based on the factual information before me and the representations made in your request, I have determined that your activities as a consultant are not expected to involve conduct prohibited by statute or Federal regulation. Accordingly, I am hereby approving your request to engage in this outside employment, within the limitations you have specified regarding the scope and the location of your proposed activities.

I caution you to insure that your EPA affiliation is not used to suggest any Government sanction or endorsement of your services, as required under 5 C.F.R. § 2635.702(b)&(c), and to avoid use or disclosure of Government "nonpublic information" in this outside activity, pursuant to 5 C.F.R. § 2635.703. Any requests for annual leave associated with this outside activity must be pre-approved by your immediate supervisor and may not conflict with your official EPA duties.

**If there is a change or error in the above-stated factual information concerning your outside activity, or if you have any questions about this matter, you should contact David M. Moore of the Region 4 Ethics Team at (404) 562-9547.**

**cc: Scott Fulton, Designated Agency Ethics Official, OGC  
Robert F. McGhee, Director, Water Management Division**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

FEB 07 2006

MEMORANDUM

SUBJECT: Approval of Outside Activity

FROM: Bill Anderson, Deputy Ethics Official  
Deputy Regional Counsel

TO:

Exemption 6

The purpose of this memorandum is to respond to your request submitted January 17, 2006, seeking administrative approval to engage in outside activity by providing legal representation, while self employed, in matters involving estate planning and small business matters. You also intend to form an LLC for purpose of real estate investment. You indicate that the work will not involve entities with which you are involved in your official capacity. Furthermore, you expect that this work will involve less than 5 hours per week and will be performed entirely outside of normal duty hours.

Generally, an employee may engage in outside employment or other activity subject to certain restrictions, set forth at 5 C.F.R. § 2635 (Standards of Ethical Conduct for Employees of the Executive Branch). Based on the factual information before me and the representations made in your request, I have determined that providing legal services as indicated above is not expected to involve conduct prohibited by statute or Federal Regulation. Therefore, I approve your request to engage in outside employment providing the aforementioned services.

Please be advised of the following restrictions pursuant to 5 C.F.R. § 2635, which are relevant to your proposed outside employment. An EPA employee is prohibited from using Agency time and resources during official work hours to perform outside duties. 5 C.F.R. §§ 2635.101, 2635.704-705. Additionally, an EPA employee may not engage in outside employment or activity that conflicts with the employee's official duties. An activity or employment will conflict with official duties if it is prohibited by statute, or will require the employee's disqualification from matters central and critical to the performance of the employee's official duties. 5 C.F.R. § 2635.802. Further, you must insure that your EPA affiliation is not used to suggest any government sanction or endorsement of your services, as required under 5 C.F.R. § 2635-702(b) and (c). As you perform legal services to clients, you should be aware that 18 U.S.C. § 205, generally prohibits a federal employee from acting as the "agent" for another before any federal government agency on matters involving a "direct and substantial interest" of the United States. This caution extends to all federal disputes.

If there is a change in the above stated factual information or if you have any questions about this matter, please contact Susan B. Schub of the Region 4 Ethics Team at ext. 2-9586.

cc: Carlos Asencio



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET S.W.  
ATLANTA, GEORGIA 30303-8960

MEMORANDUM

SUBJECT: Request for Approval of Outside Employment

FROM: exemption

TO: Bill Anderson, Deputy Ethics Official  
Deputy Regional Counsel

DATE: January 17, 2006

The purpose of this memorandum is to request approval of outside employment pursuant to 5 C.F.R. § 6401.103. I am presently an Associate Regional Counsel, Office of Water Legal Support, GS 14. I will be self employed, and intend to provide legal representation in matters involving estate planning and small business matters (including, but not limited to formation of business entities, contract review, and general advice). In addition, I plan on forming an LLC for the purpose of real estate investment (ownership and management of real estate). The work will not involve entities with which I am involved in my employment and I will recuse myself if a matter related to EPA should arise. I estimate that my annual net income from this employment will total \$~~25~~<sup>6</sup> or less. The work will be for various individual or small business clients or for myself (in the case of the real estate investment).

The outside employment will involve less than 5 hours per week, will be performed entirely outside of normal duty hours, and will not interfere with my official duties.

As provided in 5 C.F.R. 6401.103(b)(6) and (8), no official duty time, Government property, resources, or facilities not available to the general public will be used in connection with the outside employment. I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. §§ 2635 and 6401.102.



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ATLANTA, GEORGIA 30303-8960

4EAD

MEMORANDUM

SUBJECT: Approval of Outside Employment Activity

FROM: A. Stanley Meiburg  
Deputy Ethics Official

TO: Exemption, MD, MPH  
Federal Facilities Branch, Waste Management Division

The purpose of this memorandum is to respond to the request you submitted earlier this month, seeking administrative approval to engage in outside employment activity at Ex 6 School of Medicine in Ex 6; an Adjunct Clinical Assistant Professor of Medicine there. I understand that you propose to continue engaging in the teaching activities at Ex 6 approved in my March 14, 1997, memorandum (attached), and, additionally, to do other work for Ex 6 assisting in development of its Masters of Public Health program. Although your previously-approved activities at Ex 6 were uncompensated, you would begin to receive compensation for these activities in January, 2002. Based on your representations to Lawrence Neville of the Region 4 Ethics Team relating to this proposed outside employment, I further understand that you expect to be compensated at the rate of approximately \$Ex 6 per semester, and that you will not use any official duty time or Government property, resources, or facilities not available to the general public in connection with either preparing for or performing these proposed outside activities.

Generally, an EPA employee may engage in outside employment or other outside activities, subject to certain restrictions set forth in relevant law, including the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635. Based on the above-stated factual information before me and the representations you have made, I have determined that your outside employment as described is not expected to involve conduct prohibited by statute or Federal regulation. Accordingly, I am hereby approving your request to engage in this outside employment, within the limitations you have specified regarding the scope of your proposed activities.

I encourage you to seek my counsel or that of a member of the EPA Region 4 Ethics Team if you have questions about potential ethics issues as you proceed with this work. However, I wish to call your attention now to an ethical limitation that may be particularly

applicable due to the probable relevance of your work experiences as an EPA Human Health Effects Officer to certain subjects taught in *ELB* s Masters of Public Health program. Even though some of the usual ethical prohibitions on accepting compensation for teaching about topics related to your official EPA duties at EPA do not apply when, as here, you are teaching courses which are part of the curriculum of an institution of higher education [see, 5 CFR § 2635.807 (a)(3)(i)(A)], you must be careful not to draw substantially upon or disclose "nonpublic information" [as defined at 5 CFR §2635.703(b)] while engaging in these compensated outside activities.

If you encounter any present inaccuracy or future change in the above-stated description of the nature and scope of your proposed outside activity, or if you have any questions about this matter, you should contact Lawrence Neville of the Region 4 Ethics Team at (404) 562-9584.

**Attachment**

cc: Anna Wolgast, Designated Agency Ethics Official, OGC  
Jon Johnston, Chief, Federal Facilities Branch, Waste Management Division



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
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61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

MAR -5 1999

4EAD

MEMORANDUM

SUBJECT: Outside Employment Activity Request  
(98-18-a5)

FROM: A. Stanley Meiburg  
Deputy Ethics Official

TO: exemption b  
Water Management Division

The purpose of this memorandum is to respond to your request dated July 31, 1998, seeking administrative approval to engage in outside employment activities providing consulting services. You have indicated in your written request and other information provided more recently in response to ethics committee inquiries that this work would involve providing consultation to a "exemption b". Your request and subsequent information you have provided indicate that you intend to provide assistance with respect to water and wastewater needs projections, wastewater reuse options, lake restoration projects, fisheries management, wetlands restoration and enhancement, lake protection ordinances, spill prevention guidelines and sewer maintenance plans for exb. You did not specify a basis for compensation, however, you indicated that exb wants to compensate you when they request your expertise.

According to information you provided and information from the Water Management Division, you are currently on a two year assignment under the Intergovernmental Personnel Act of 1970 to EPA Region 4. Your duties include providing advice and consultation to EPA staff and management and Region 4 state water programs on water related issues within the Region, including the State of North Carolina, specifically in the development of watershed/basinwide water quality assessment techniques and to assist those states in the development of their watershed programs. You also indicated that you will be providing technical assistance and information to the States concerning concentrated animal feedlot operations. You are therefore an employee for the purposes of this request and applicable federal statutory and regulatory provisions regarding ethics and federal employment.

Generally, an employee may engage in outside employment or other outside activities, subject to certain restrictions set forth in relevant law, including the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635 and Title 18 of the United States Code (U.S.C.). Based on the factual information before me and the representations made in your

request and subsequent correspondence, I have determined that your proposed employment as a consultant for the Town of Holly Springs involves conduct prohibited by statute or Federal regulation. Accordingly, I am hereby disapproving your request to engage in this outside employment, as set forth more specifically below.

Many of the employment activities which you have described conflict directly with your official duties as an EPA employee, and are therefore prohibited pursuant to 5 C.F.R. § 2635.802. For example, consulting services regarding wastewater, spill prevention, sewer maintenance, and some restoration and enhancement activities necessarily require consideration of water quality and specifically the programs which EPA and the State of North Carolina under federal authority administer and which are within the scope of your official duties as an employee. EPA employees create conflicts when acting as a consultant to a private organization and the government in common matters such as water quality. An employee of the ex 6 would be expected to act in the best interests of ex 6 with respect to these issues, and ex 6 interests may not always coincide with EPA's interests. Your duties as an EPA employee regarding water quality and assessment therefore present existing and potential conflicts of interests with employment as a consultant for the ex 6 regarding the activities you described.

Employees are prohibited by regulation and by criminal statute from participating personally and substantially in an official capacity in any particular matter in which, to their knowledge, they or any person(s) whose interests are imputed to them have a financial interest, if the particular matter will have a direct and predictable effect on that interest. 18 U.S.C. § 208(a), 5 C.F.R. § 2635.402. Your proposed employment with the ex 6 creates potential financial conflicts of interest in exercising your official duties with respect to water quality and assessment. It is not unlikely that your involvement as an EPA employee with water quality and assessment will be of significance to decisions by the ex 6 regarding its water and wastewater activities, lake restoration projects and protection ordinances, wetlands restoration, spill prevention guidelines and sewer maintenance plans. Accordingly, your actions with respect to particular matters which are within your official duties may have a direct and predictable effect upon the ex 6. As the ex 6 would be providing you compensation regarding the same subject matter as your official EPA duties, a financial conflict of interest exists.

Your proposed employment activities with the ex 6 create at the very least an appearance of loss of impartiality in the performance of your official duties as an employee. Regulations at 5 C.F.R. § 2635.501 require that employees not participate in a particular matter in which they know a person with whom they have a covered relationship is or represents a party, if they determine that a reasonable person with knowledge of the relevant facts would question their impartiality in the matter. A reasonable person with knowledge of the relevant facts could question the impartiality of the decisions of an EPA employee with respect to water quality assessment (e.g. location, frequency, pollutant parameters) where that employee is also employed by an entity whose water quality impacts are regulated by EPA.

The potential for your employment with the XCB raises other potential future ethical and criminal considerations with which you should be aware. EPA employees are prohibited from use of public office for private gain, or for the private gain of friends, relatives, or persons with whom the employee is affiliated in a non-governmental capacity, including persons with whom the employee has or seeks employment or business relations. 5 C.F.R. § 2635.702. Specifically prohibited is use of public office in a manner as to give appearance of governmental sanction, or such a way as to give rise to an appearance of use of public office for private gain. 5 C.F.R. § 2635.702(b), (d). Additionally, Federal employees are prohibited by criminal statute from accepting payment for the performance of official duties. 18 U.S.C. § 209.

On these bases, EPA must disapprove of your request. If there is a change or error in the above-stated factual information concerning your outside activity, or if you have any questions about this matter, you should contact David M. Moore of the Region 4 Ethics Team at (404) 562-9547.

cc: Scott Fulton, Designated Agency Ethics Official, OGC  
Robert F. "Mike" McGhee, Director, Water Management Division





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

JUL 31 2006

MEMORANDUM

SUBJECT: Request for Permission to Engage in Outside Employment  
FROM: William D. Anderson *William D. Anderson*  
Deputy Ethics Official  
TO: *etb*  
Associate Regional Counsel

The purpose of this memorandum is to respond to your June 9, 2006, memorandum requesting approval of your employment as *etb* while you are on extended, unpaid leave.

You state in your request for approval that you will be employed full time with managing the *etb* Sustainability Initiative, and that your responsibilities will include the following duties related to sustainability: identifying program goals, seeking funding for the program from *etb* y budget, managing projects, and analyzing and proposing new *etb* policies. You also state that you will not be representing *etb* before any federal agencies and, although the Sustainability Initiative will be applying for federal grants, you will not be involved in the application process and that no grants will be used to augment your salary. Finally, you confirm that you will not use government property or other resources not available to the general public in connection with your work.

Generally, an employee may engage in outside employment or other outside activity following prior approval pursuant to 5 C.F.R. § 6401, and subject to certain restrictions set forth in relevant law, including the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. § 2635 and Title 18 of the United States Code. In conducting outside activities, employees are prohibited from using EPA time and resources during official work hours to perform outside duties. 5 C.F.R. §§ 2635.101(b). You must also ensure that in conducting any activities, your EPA affiliation is not used to suggest any Government sanction or endorsement of your services, as prohibited under 5 C.F.R. § 2635.702(b) and (c), and you must avoid using or disclosing Government "nonpublic information." 5 C.F.R. § 2365.703.

In the conduct of your work with *etb*, you should be especially mindful of issues related to grants from EPA. An EPA employee who participates in applying for EPA grants for another party is considered to be representing the entity before the agency for compensation, which is a criminal offense. See 18 U.S.C. § 203. You must therefore refrain from participating in applying for any grants from a federal agency for *etb*. In addition to not participating in the application process, you should also make sure your duties do not involve working on or managing projects or matters involving grant proceeds. Such activities are deemed to create the appearance

of an ethical violation, which is also prohibited. See 5 C.F.R. § 2635.101(b)(14). You should contact this office with any questions which may arise concerning these issues.

Another issue that you should bear in mind is the prohibition against accepting gifts or compensation because of your status, authority or duties as an EPA employee. You should ensure that your salary with ~~tax~~ is being paid solely for the services provided to the ~~tax~~ and not for any advantage the ~~tax~~ might reap from EPA. You should also be mindful of the general prohibitions against gifts from outside sources which apply to all EPA employees. Because of your concurrent status as an EPA employee, gifts from co-employees with ~~tax~~ may be considered gifts from outside sources. See 18 U.S.C. § 209 and 5 CFR §2635.201 - § 2635.205.

Subject to the conditions and limitations discussed herein regarding the scope of your proposed activities, I am hereby approving your request to engage in the aforementioned outside employment activities. If there is a change or error in the above-stated factual information concerning your outside activities, or if you have any questions, please contact Richard Glaze of the Region 4 Ethics Team at (404) 562-9554.

cc: Kevin Smith, OEA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

DEC - 9 2004

OEA

SUBJECT: Approval of Outside Activity

FROM: A. Stanley Meiburg  
Deputy Ethics Official

TO:   
POR, Deputy Director  
Science and Ecosystem Support Division

The purpose of this memorandum is to respond to your request dated October 19, 2004, seeking administrative approval to engage in outside employment activities providing consulting services. You indicated in your written request and other information provided more recently in response to inquiry from Susan Schub, Chief, Region 4 Ethics Team, that this work would involve providing consultation to the . Specifically you have been asked to review a Request for Proposals (RFP) by for an advanced waste water treatment facility which would potentially discharge waste water into a creek behind your property. You will not be compensated for this service. You indicated, in your communication with Ms. Schub, that you were not aware of any role that EPA would have in review and/or approval of this RFP. Furthermore, in your view, EPA would only be involved if there were a water quality issue. You also expressed that since the matter would affect you in any case (the creek at issue runs behind your property), you would recuse yourself from any involvement related to this project coming before you in an official capacity.

According to information you provided, you are currently Acting Director of Research, Ecosystems Research Division, Office of Research and Development. You are on detail to this position from your position of record, Deputy Director, Science and Ecosystem Support Division, Region 4.

Generally, an employee may engage in outside employment or other outside activities subject to certain restrictions set forth in relevant law, including the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635 and Title 18 of the United States Code (U.S.C.). Based on the factual information before me and the representations made in your request and subsequent correspondence, I have determined that your proposal to consult with the in the RFP for its waste water treatment facility is not prohibited by statute or Federal regulation. Accordingly, I am approving your request to engage in this particular outside employment.

However, I wish to call your attention to certain ethical constraints that may be particularly applicable to you. You must comply with 5 C.F.R. § 2635.703(a), which prohibits use of "nonpublic information" for private purposes. Furthermore, you should remain continuously mindful of 18 U.S.C. § 205, a criminal statute which generally prohibits a federal employee from acting as the "agent" or "representative" of others before any federal Government agency on matters involving a "direct and substantial interest" of the United States. While this statute does not prohibit "representational" contacts with non-federal government officials, your EPA affiliation may not be used to suggest any Government sanction or endorsement of your services. [5 C.F.R. § 2635.702(b) & (c).] Therefore, you should make it clear that you are acting in a private, non-official capacity if, as part of your outside work, you are in contact with state or local government officials with whom you have dealt previously in an EPA capacity. Moreover, in all activities related to this work, you should take care to prevent any implication -- for example from oral or written references to your EPA affiliation with any outside agencies and individuals -- that EPA endorses these services.

Furthermore, employees are prohibited by regulation and by criminal statute from participating personally and substantially in an official capacity in any particular matter in which, to their knowledge, they or any person(s) whose interests are imputed to them have a financial interest, if the particular matter will have a direct and predictable effect on that interest. 18 U.S.C. § 208(a), 5 C.F.R. § 2635.402. Although you would not be compensated for your consulting services, actions with respect to this project may have a direct and predictable effect upon your financial interests, since it involves a creek that runs behind your property. You have, however, already indicated your intent to recuse yourself from any involvement related to this project coming before you in an official capacity.

If there is any change in any of the above-stated factual information concerning your outside activity, or if you have any questions about this matter, you should contact Susan Schub, at (404) 562-9586.

cc: Carlos Asencio



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL EXPOSURE RESEARCH LABORATORY  
ECOSYSTEMS RESEARCH DIVISION  
960 COLLEGE STATION ROAD • ATHENS, GA 30605-2700

exb  
Svca  
Solub

OFFICE OF  
RESEARCH AND DEVELOPMENT

October 19, 2004

**Subject:** Request for Approval to Review County RFP  
Oconee County Waste Water Facility

**From:** exemption b  
POR, Deputy Director  
Science and Ecosystem Support Division

**To:** A. Stanley Meiberg  
Deputy Ethics Official

U.S. EPA REGION 4  
OFFICE OF  
REGIONAL ADMINISTRATION

I have been asked to review a Request for Proposals (RFP) by the Chairman exemption b  
This request is for an advanced waste water treatment facility  
which would potentially discharge waste water into a creek behind my property. I realize that as  
this matter would affect me in any case, that I must recuse myself from any involvement related to  
this project coming before me in an official capacity.

I am addressing this request to you instead of the Deputy Ethics Official in ORD due to my  
position of record in Region 4.

**Employee's name, title, and grade:** exemption b Acting Director of Research, Ecosystems  
Research Division, Office of Research and Development (on detail from position of record,  
Deputy Director, Science and Ecosystem Support Division, Region 4); GS-15

**Nature of outside activity:** I have been asked to review exemption b RFP for the above waste  
water facility upgrade and render my opinion, suggestions, or comments. They may or may not  
do anything with what I tell them. I do not know if this is technically "consulting", but it is as  
close as I can determine. I will not be compensated for these services.

**Name and address of organization with details on the organization's purpose:**

exemption b

**The estimated amount of time to be devoted to the activity:** This request is projected to be a  
one time event to take approximately 1 week after approval of the ethics request.

**Will the service be performed entirely y outside of normal duty hours? Yes.**

**No official duty time of Government property, resources, of facilities not available to the general public will be used in connection with the outside employment.**

**The basis for compensation. None.**

**I have read and am familiar with and will abide the restrictions describe in 5 CFR part 2635 and S6401.102.**

**Any EPA assistance agreements or an EPA contractor? None that I am aware. No, not an EPA contractor.**

**Thank you for your review of this request. I would appreciate your response at you earliest convenience.**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
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OCT 25 2012

**MEMORANDUM**

**SUBJECT:** Approval to Engage in Outside Employment

**FROM:** A. Stanley Meiburg  
Deputy Ethics Official

**TO:** *exemption to*  
Assistant Regional Administrator

The purpose of this memorandum is to respond to your October 11, 2012, memorandum requesting approval to teach two courses at the University of *GA*, "Managing Environmental Risks in an Uncertain World" and "Closing the Loop on Climate Change." You indicated that you will receive compensation of \$ *250* per term for each course. You anticipated spending approximately five hours each week per course, all of which will be performed outside of EPA duty hours. Furthermore, you stated that you will not use official time, government property, resources or facilities, not available to the general public in connection with teaching or preparing for the courses.

The Standards of Ethical Conduct generally restrict an employee from receiving compensation from any non-Government source for teaching, speaking or writing related to the employee's official duties. However, there is an exception to this prohibition which allows an employee to accept compensation for teaching a course requiring multiple presentations if the course is offered as part of the regularly established curriculum of an institution of higher education. This exception is found at 5 C.F.R. § 2635.807(a)(3). Based on your description of your proposed activity, it appears that it will meet the conditions of this exception.

In addition to the considerations discussed above, you are not to use or permit the use of your official title or position to identify you in connection with the teaching activity other than to include such information as one of several biographical details. Moreover, the Standards of Ethical Conduct for Employees of the Executive Branch require that your EPA affiliation not be used to suggest any government sanction or endorsement of your services. 5 C.F.R. § 2635.702(b) and (c). You may satisfy this requirement by communicating to your audience a disclaimer such as the following: "The information presented in this course expresses my personal views and does not necessarily reflect the official position of the EPA." You must also avoid using or disclosing Government "nonpublic information." 5 C.F.R. § 2635.703. Please keep in mind that you are prohibited from using EPA time and resources during official work hours to perform this outside activity. 5 C.F.R. § 2635.704-705.

Based on the representations you have made in your request, I have determined that teaching the classes you seek permission to teach is not expected to involve conduct prohibited by statute or by Federal regulation. Accordingly, I am approving your request to engage in this outside employment activity within the limitations described above. If there is a change or error in the above-stated factual information concerning your outside activity, you must submit a revised request for approval. Furthermore, this approval will be valid for a period of five years. If you continue to engage in this

outside activity beyond this five-year approval period, you should promptly submit a revised approval request before your current approval elapses.

If you have any questions about this matter, please contact Susan Schub of the Region 4 Ethics Team at (404) 562-9586.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
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**MEMORANDUM**

**SUBJECT:** Request for Approval of ~~Outside Employment~~

**FROM:** *exemption*

**THRU:** Gwendolyn Keyes Fleming  
Regional Administrator

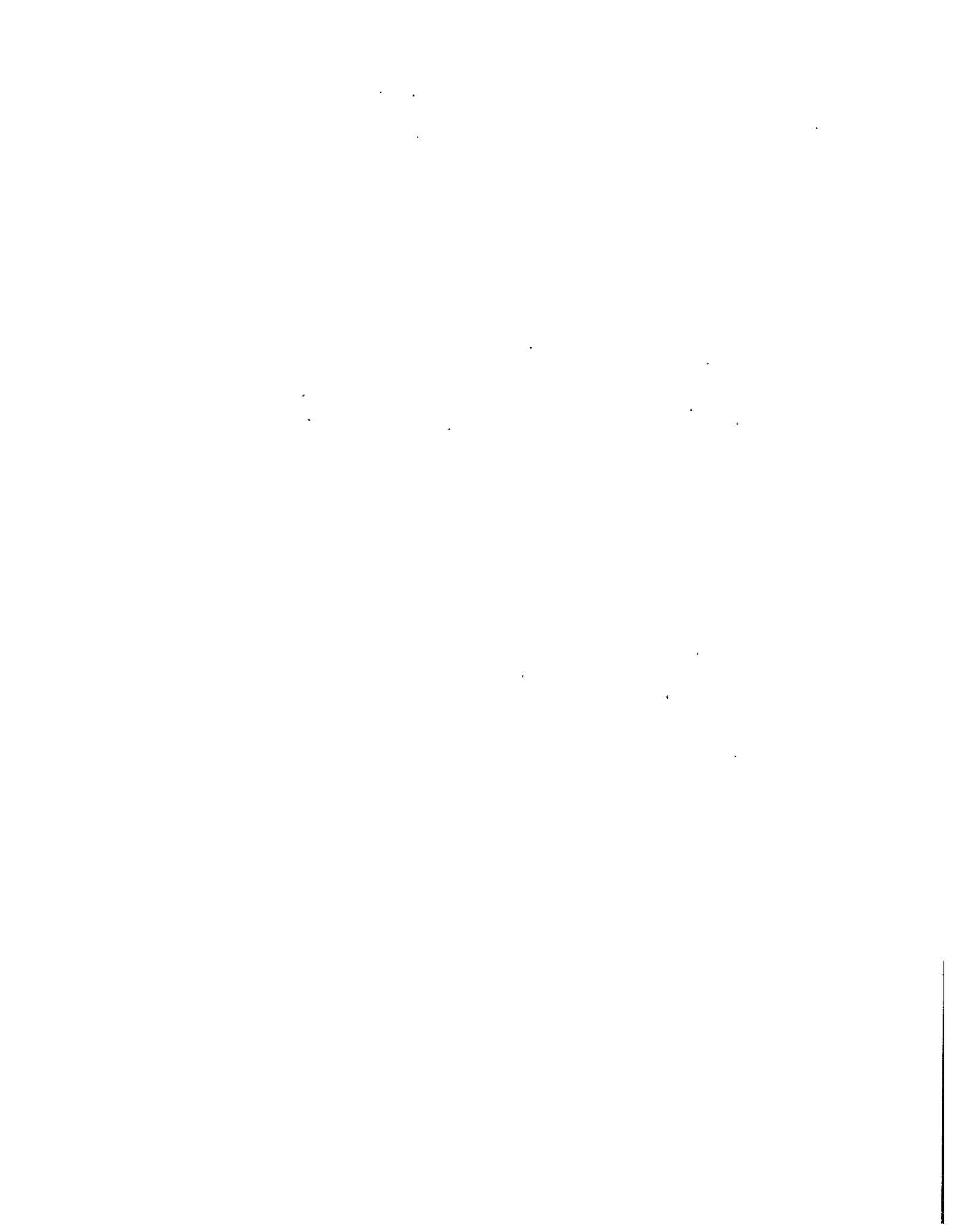
Susan Schub  
Office of Environmental Accountability

**TO:** A. Stanley Meiburg  
Deputy Ethics Official

I am requesting approval to engage in outside employment on a part-time basis in accordance with 5 C.F.R. § 6401.103.

The activity would be a teaching position as Lecturer at the University of *TXU*. Attached is a description of the activities as required by 5 C.F.R. § 6401.103. I believe no conflict of interest would be involved in performing this type of activity. I will not use EPA equipment, facilities, or my official EPA time. I also will not use information obtained as a result of my EPA position that are not freely available to the general public. I have read and am familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment.

Attachment





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
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ATLANTA, GEORGIA 30303-8960

OEA

[JUN 23 2009

**MEMORANDUM:**

**SUBJECT:** Approval of Outside Activity

**FROM:** Beverly Banister  
Deputy Ethics Official

**TO:** *ex 6*, Chief  
Ecological Assessment Branch  
Science & Ecosystem Support Division

The purpose of this Memorandum is to respond to your request for approval for outside employment activity. By memorandum dated May 14, 2009, you sought administrative approval to serve as an Adjunct Instructor in the Environmental Health Science Department at the University. *ex 6* In addition to teaching a course, your position as an Adjunct Instructor also involves conducting seminar presentations, teaching short sections of various courses and serving on ad hoc department committees.<sup>1</sup> You indicated that you do not receive any form of compensation, such as an honorarium, in connection with any of these functions. Furthermore, you stated that you will not use any official duty time or Government property, resources or facilities not available to the general public in connection with preparing for, or performing, this outside activity. You previously received approval for your activity as a *ex 6* Adjunct Instructor on March 30, 2004.

Generally, an EPA employee may engage in outside employment or other outside activities, subject to certain restrictions set forth in relevant law, including the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635 ("the Standards"). The Standards generally restrict an employee from receiving compensation from any non-Government source for teaching, speaking or writing relating to the employee's official duties. However, there is an exception found at 5 C.F.R.

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<sup>1</sup> Your memorandum made reference to arranging *ex 6* student participation in EPA's Volunteer Service Program. In discussions with Susan Schub, of the Region 4 Ethics Team, you clarified that you do not serve in this capacity on behalf of *ex 6* or as an intermediary between *ex 6* and EPA. You described that on occasion you receive unsolicited resumes from *ex 6* students which you forward to appropriate EPA staff for their review. This activity is not an outside activity for which you seek approval.

§ 2635.807(a)(3), which allows an employee to accept compensation for teaching a course requiring multiple presentations if the course is offered as part of the regularly established curriculum of an institution of higher exception. Although you are not being compensated, this exception would otherwise apply to this course as well.

Based upon the information before me, I have determined that your outside employment as described is not expected to involve conduct prohibited by statute or Federal regulation. Accordingly, I am hereby approving your request to engage in this outside employment, within the limitations you have specified regarding the scope of your proposed activities.

However, I wish to call your attention to certain ethical limitations that may be particularly applicable due to the relevance of your work experiences to the course you teach. You must be careful not to draw substantially upon or disclose "nonpublic information" [as defined at 5 C.F.R. § 2635.703(b)] while engaging in this outside activity. In addition, you are not to use or permit the use of your official title or position to identify you in connection with the teaching activity other than to include such information as one of several biographical details. 5 C.F.R. § 2635.807(b). Furthermore, the Standards require that your EPA affiliation is not used to suggest any government sanction or endorsement of your services. 5 C.F.R. § 2635.702(b).

If there is a change in the nature or scope of your official duties or in the above-stated factual information concerning your outside activity, you must submit a revised request for approval. Furthermore, this approval will be valid for a period of five years. If you continue to engage in this outside activity beyond this five year approval period, you should promptly submit a revised approval request before your current approval elapses.

If you have any questions about this matter, you should contact Susan Schub of the Region 4 Ethics Team at (404) 562-9586.

cc: Michael V. Peyton, Director SESD

OEA - Susan Schub



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

Science and Ecosystem Support Division  
980 College Station Road  
Athens, Georgia 30605-2720

May 14, 2009

REC'D MAY 15 A 9 5

R4-SESD-EAB

MEMORANDUM

DATE:

SUBJECT Approval for Outside Activity - Adjunct Instructor at the University of Georgia

FROM: *exb* Chief *exb*  
Ecological Assessment Branch

THRU: Michael V. Peyton, Director  
Science & Ecosystem Support Division

TO: Stan Meiburg  
Deputy Ethics Official

With this memo I am requesting continued approval for an outside activity, specifically an Adjunct Instructor appointment at the University *exb*, in accordance with 5 CFR Section 6401.103(a). My previous request was approved in March 2004. Per 5 CFR Section 6401.103(b), I provide the following support to UGA as an Adjunct Instructor:

- The nature of the activity is serving as an Adjunct Instructor in the Environmental Health Science (EHS) Department at the University *exb*. I have served as a volunteer instructor at *exb* since 1984. In September 1998 the department appointed me to an Adjunct Instructor position. This followed approval of my immediate supervisor and senior managers within SESD. No compensation was associated with this position as adjunct faculty may not accept a salary for teaching.
- My activities as an adjunct instructor focus on providing a variety of support to the EHS department including seminar presentations, teaching short sections of various courses, and serving on advisory committees within the department. I also serve as the point of contact for SESD for student interns from the EHS department and other *exb* programs. In that capacity I have arranged for a number of students to participate in the Volunteer Service Program within the division. These volunteers have provided much needed assistance in several areas over the past five years, and several have secured positions with EPA Region 4.

- During fall semester I currently serve as an instructor for the "Solid & Hazardous Waste Management" class in (EHSC 4150/6150).
- As noted in the March 22, 2004, memo, I have read and will continue to abide by the provisions of 5 CFR Parts 2635 and 6401.102. I am not aware of any conflicts of interest, real or perceived, that might arise from my Adjunct Instructor appointment at UGA.

Thank you for your consideration of this request. If I may provide any other information, please contact me. If you wish to reach me by telephone, my number is 706-355-8616.

**Attachments:**

March 30, 2004 memo from Stan Meiburg



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303 8960

MAR 30 2004

OEA

MEMORANDUM

SUBJECT: Approval of Outside Activity

FROM: A. Stanley Meiburg  
Deputy Ethics Official

TO: *Exemption* Chief  
Organic Chemistry Section  
ASB/SESD

The purpose of this Memorandum is to respond to your request for approval for outside employment activity. By memorandum dated March 22, 2004, you sought administrative approval to serve as the primary instructor for a course on waste management at the University *ex b*. You indicated that you are compensated with an honorarium that amounts to approximately thirty percent (30 %) of the rate for a full time instructor. Furthermore, you stated that you will not use any official duty time or Government property, resources or facilities not available to the general public in connection with either preparing for, or performing, this outside activity.

Generally, an EPA employee may engage in outside employment or other outside activities, subject to certain restrictions set forth in relevant law, including the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635. Those standards generally restrict an employee from receiving compensation from any non-Government source for teaching, speaking or writing relating to the employee's official duties. However, there is an exception found at 5 CFR. § 2635.807(a)(3), which allows an employee to accept compensation for teaching a course requiring multiple presentations if the course is offered as part of the regularly established curriculum of an institution of higher education. This exception is applicable to your teaching at *ex b*.

Your memorandum made reference to certain activities at *ex b* for which you receive no compensation. However, uncompensated participation in the activities of a nonprofit educational organization, such as *ex b*, does not fall under the definition of "employment" requiring prior approval pursuant to 5 CFR § 6401.103. Therefore, this Memorandum does not address those activities.

Based upon the information before me, I have determined that your outside employment as described is not expected to involve conduct prohibited by statute or Federal regulation. Accordingly, I am hereby approving your request to engage in this outside employment, within the limitations you have specified regarding the scope of your proposed activities.

I encourage you to seek my counsel, or that of a member of the EPA Region 4 Ethics Team, if you have questions about ethics issues as you proceed with this work. However, I wish to call your attention to an ethical limitation that may be particularly applicable due to the relevance of your work experiences to the course you teach. You must be careful not to draw substantially upon or disclose "nonpublic information" [as defined at 5 CFR § 2635.703(b)] while engaging in this compensated outside activity.

If there is a change in any of the above-stated factual information, or if you have any questions about this matter, you should contact Susan Schub of the Region 4 Ethics Team at (404) 562-9586.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

Science and Ecosystem Support Division  
980 College Station Road  
Athens, Georgia 30605-2720

March 22, 2004

R4SESD-EAB

MEMORANDUM

SUBJECT: Approval for Outside Activity - Adjunct Instructor at the University of Georgia

FROM: *exempt*  
Ecological Assessment Branch  
Science & Ecosystem Support Division

THRU: William R. Bokey, Chief *William R. Bokey*  
Ecological Assessment Branch  
Science & Ecosystem Support Division

TO: Stan Meiburg  
Deputy Ethics Official

With this memo I am requesting approval for an outside activity, specifically an Adjunct Instructor appointment at the University *exb*, in accordance with 5 CFR Section 6401.103(a). Per 5 CFR Section 6401.103(b), I provide the following support to *exb* as an Adjunct Instructor:

- The nature of the activity is serving as an Adjunct Instructor in the Environmental Health Science (EHS) department at the University of *exb*. I have served as a volunteer instructor at *exb* since 1984. In September 1998 the department appointed me to an Adjunct Instructor position. This followed approval of my immediate supervisor and senior managers within SESD. No compensation was associated with this position as adjunct faculty may not accept a salary for teaching.
- My activities as an adjunct instructor focus on providing a variety of support to the EHS department including seminar presentations, teaching short sections of various courses, and serving on advisory committees within the department. I also serve as the point of contact for SESD for student interns from the EHS department and other *exb* programs. In that capacity I have arranged for a number of students to participate in the Volunteer Service Program within the division. These volunteers have provided much needed assistance in several areas over the past five years, and several have secured positions with the *exb*.

4WD-RCRA

MEMORANDUM

DATE: February 24, 1995

SUBJECT: Approval of Outside Activities

FROM: *exp*  
Environmental Scientist  
RCRA Compliance Section

THRU: Shannon E. Maher  
Chief, AL/MS Unit  
RCRA Compliance Section

TO: Patrick M. Tobin  
Deputy Ethics Official

In accordance with 5 C.F.R. Part 2635, Subpart H and 40 C.F.R. Part 3, Subpart E, I am requesting Agency approval of certain outside consulting activities.

Since my employment at the EPA in December of 1990, I have continued to pursue, on a limited basis, computer consulting opportunities arising from my previous job. Typical customers include credit unions, real estate agencies and small engineering consulting firms. None of these companies perform work for the EPA or are regulated by the EPA in any way. All work performed for these or other companies will be conducted after EPA business hours and will not utilize Government property.

Should you require further information or have questions, please contact me at vmx6405.

cc: Cathy Winokur, ORC



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

JUL 09 2012

**MEMORANDUM**

**SUBJECT:** Approval to Engage in Outside Employment

**FROM:** Nancy Tommelleo *NCT*  
Deputy Ethics Official  
Deputy Regional Counsel

**TO:** *Exemption 6*  
Assistant Regional Counsel  
Office of Environmental Accountability

The purpose of this memorandum is to respond to your June 27, 2012, memorandum seeking approval to teach as an adjunct professor at the *Exemption 6*, a nonprofit university, in *ex 6*. You indicate you will teach one class per week for one semester in environmental/natural resource law. You will be compensated at a salary commensurate with other adjunct faculty. You anticipate devoting a half day per week to this activity, and will not use official time, government property, resources or facilities, not available to the general public in connection with teaching or preparing for the course.

The Standards of Ethical Conduct generally restrict an employee from receiving compensation from any non-Government source for teaching, speaking or writing related to the employee's official duties. Although the subject matter of the course is environmental/natural resource law, you have explained that it is not related to your official duties, as that term is defined at 5 C.F.R. § 2635.807(a)(2)(i). For example, you clarified that the course content does not to any extent, significant or otherwise, cover programs, policies or operations of EPA. To the contrary, it is a general survey course covering an array of environmental statutes, a number of which are administered exclusively by agencies other than EPA. To the extent EPA has a role in administering any of the laws you teach, you do not include information on any regulations administered or enforced by EPA, nor do you address any programs, policies or operations of EPA in connection with those environmental laws. While your teaching may occasionally deal on a very general level with subject within the agency's area of responsibility, you are not precluded from teaching such subjects that fall under your inherent area of expertise. See Note to 5 C.F.R. § 2635.807. Based upon the information before me and the representations made in your request, I have determined that your activity is not prohibited by statute or Federal regulation. Accordingly, I am approving your request to engage in this particular employment within the limitations you have specified regarding the scope of your proposed activities.<sup>1</sup>

<sup>1</sup> An exception to the general prohibition allows an employee to accept compensation for teaching related to official duties, of a course requiring multiple presentations offered as part of the regularly established curriculum of an institution of higher education. 5 C.F.R. §2635.807(a)(3). However, since this teaching activity is not related to official duties, it is unnecessary to determine whether it would fall under this exception.

However, I wish to call your attention to certain ethical constraints that may be particularly applicable due to the specified nature of your outside activity. You are not to use or permit the use of your official title or position to identify you in connection with the teaching activity other than to include such information as one of several biographical details. Moreover, the Standards of Ethical Conduct for Employees of the Executive Branch require that your EPA affiliation not be used to suggest any government sanction or endorsement of your services. §§5 C.F.R. § 2635.702(b) and (c). You may satisfy this requirement by communicating to your audience a disclaimer such as the following: "The information presented in this course expresses my personal views and does not necessarily reflect the official position of the EPA." You must also avoid using or disclosing Government "nonpublic information." 5 C.F.R. § 2635.703. Please keep in mind that you are prohibited from using EPA time and resources during official work hours to perform this outside activity. 5 C.F.R. § 2635.704-705.

If there is a change or error in the above-stated factual information concerning your outside activity, you must submit a revised request for approval. Furthermore, this approval will be valid for a period of five years. If you continue to engage in this outside activity beyond this five year approval period, you should promptly submit a revised approval request before your current approval elapses.

If you have any questions about this matter, please contact Susan Schub of the Region 4 Ethics Team at ext. 2-9586.

**MEMORANDUM**

**DATE:** June 27, 2012

**SUBJECT:** Request For Outside Activity  
Adjunct Professor Position

**FROM:** *ex 6*  
Assistant Regional Counsel

**THRU:** Mary C. Johnson  
Chief, CERCLA B, OEA

**TO:** Nancy Tommelleo  
Deputy Regional Counsel  
And  
Susan Schub  
Lead, Region 4 Ethics Team

Per this memorandum, I am requesting "outside activity" approval to teach as an adjunct professor, for compensation, at the Institute of Sustainable Practice at the *ex 6* located in *ex 6* is a nonprofit university. As an adjunct professor at *ex 6* University, I will teach one class per week (Thursday mornings) for one semester in environmental/natural resource law. I was contacted for this activity by the *ex 6* Executive Director in my individual capacity. In no way does the selection for this position relate to my official duty or capacity as an EPA attorney. My 30-year expertise as a multi-disciplined environmental/natural resource attorney rather than my role as an EPA attorney is/was the factor for my selection for this position. This activity will not be undertaken as a part of my official duties with the EPA. My official title as an EPA attorney will not be used in connection with this activity except that the inclusion of my title will be used as one of several biographical details when such information is given to identify me in connection with the activity and it will be given no more prominence than other significant biographical details. My role as an EPA attorney will not be a factor/topic in my course lectures. *ex 6* University does not have any interests that may/will be affected substantially by the performance or nonperformance of my official duties with the EPA. The subject/nature of my lectures will be in the general instruction of federal and state environmental and natural resource law. My instruction will not deal in significant part with any matter to which I am presently assigned or to which I have been assigned or with any ongoing or announced policy, program or operation of the EPA. I will receive compensation for this activity. Although I do not know the exact salary at this time, I do know that the compensation will be in line with other salaries paid to an adjunct professor at a university to teach one class. I estimate that I will devote a half day per week to this activity and

DH

*McJ*  
MJ

SS

NT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

MEMORANDUM

FEB 01 2010

SUBJECT: Approval of Outside Activity  
FROM: William Anderson, Deputy Ethics Official  
Office of Environmental Accountability  
TO: *exemption 6*  
Assistant Regional Counsel

The purpose of this memorandum is to respond to your request of January 26, 2009, seeking administrative approval to engage in outside legal representation involving the criminal record of a family member's past misdemeanor. You estimate that you will devote 6 to 10 hours to this activity for which you will not be compensated. You indicate that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this activity.

Generally, an employee may engage in outside employment or other outside activity subject to certain restrictions set forth at 5 C.F.R. § 2635 (Standard of Ethical Conduct for Employees of the Executive Branch). Based on the factual information before me and the representations made in your request, I have determined that providing legal services as indicated above is not expected to involve conduct prohibited by statute or Federal Regulation. Therefore, I approve your request to engage in outside employment providing the aforementioned services.

Please be advised of the following restrictions pursuant to 5 C.F.R. § 2635, which are relevant to your proposed outside employment. An EPA employee is prohibited from using Agency time and resources during official work hours to perform outside duties. An EPA employee may not engage in outside employment that conflicts with official duties. Employment will conflict with official duties if it is prohibited by statute, or will require the employee's disqualification from matters central and critical to the performance of the employee's official duties. Furthermore, you must ensure that your EPA affiliation is not used to suggest any government sanction or endorsement of your services, as required under 5 C.F.R. § 2635.702(b) and (c). As you perform this legal service, you should be aware that 18 U.S.C. § 205, generally prohibits a federal employee from acting as the "agent" for another before any federal government agency on matters involving a "direct and substantial interest" of the United States.

If there is a change in the nature or scope of your official duties or in the above-stated factual information concerning your outside activity, you must submit a revised request for approval. Furthermore, this approval will be valid for a period of five years.

If you have any questions about this matter, please contact Susan B. Schub at ext. 2-9586.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

Science and Ecosystem Support Division  
980 College Station Road  
Athens, Georgia 30605-2720

AUG 14 2002

MEMORANDUM

SUBJECT: Receipt of Honoraria for Teaching at the University of Georgia

FROM: *ELC* Chief *ELC*  
Organic Chemistry Section  
ASB/SESD

THRU: Charles H. Hooper, Chief *CHH*  
Analytical Support Branch  
SESD

TO: A. Stanley Meiburg  
Deputy Regional Administrator

Pursuant to 5 CFR Part 6401.103, I am asking for approval to receive an honoraria for serving as an instructor for the *Solid & Hazardous Waste Management* class (FHSC 4150/6150) in the Environmental Health Science Department at the University of *UGA*. I have served as an adjunct instructor with UGA since 1998 and received EPA approval for the appointment in September 1998. I understood that adjunct instructors could not receive a salary for teaching (*UGA* policy), but may receive an appropriate honoraria. An EPA Ethics Advisory in 1996 (96-05) notes that the receipt of an honoraria is acceptable. Lawrence Neville has also advised me that the receipt of an honoraria is permissible under 5 CFR § 2635.807(a)(3) since I will be "... teaching a course requiring multiple presentations by the employee if the course is offered as part of ...[t]he regularly established curriculum of ...[a]n institution of higher education...." [5 CFR § 2635.807(a)(3)].

My immediate supervisor, Charles Hooper, has approved the teaching activity, and I will be conducting the class this fall on Tuesdays and Thursdays during my lunch hour. The preparation time is completed during non-duty hours and should be approximately 100 hours. The amount of the honoraria has not been determined and is dependent upon approval from the University of *UGA*. I have read and will abide by the provisions of 5 CFR Parts 2635 and 6401.102. My grade is GS-14 and I serve as the Chief of the Organic Chemistry Section within the Analytical Support Branch. I may be contacted at 706-355-8616 if you have a question concerning my request. Thank you for your time and consideration.

cc: Allan Antley, SESD

all the work you perform for these companies will be conducted after EPA business hours and will not utilize government property.

### DISCUSSION

EPA's general policy is that an employee may engage in outside employment or other outside activity subject to certain restrictions. See 5. C.F.R. § 2635 subparts A-H.

These restrictions prohibit an EPA employee from using EPA time and resources during official work hours to perform his or her outside duties: 5 C.F.R. §§ 2635.101, 2635.704, and 2636.705. Similarly, the employee is restricted from using information obtained as a result of government employment and which has not been made available to the public: 5 C.F.R. §§ 2635.101 (b)(3), 2635.703.

In addition, the employee's outside employment must not involve work with entities which could gain an advantage at EPA through the employee's exercise of his or her official duties: 5 C.F.R. §§ 2635.101(b)(7), 2635.702, 2635.801(c). Employees also must insure that their outside employment is not construed as implying an official EPA endorsement of any product or service: 5 C.F.R. § 2635.702(b).

The conflict of interest provisions of 18 U.S.C. §§ 203 (a), 203(b), 205(a), and 205(b) bar Federal employees from:

representing as agent or attorney or otherwise, a party in a proceeding, application, request for a ruling or other determination . . . in which the United States is a party or has a direct and substantial interest, or in a claim against the District of Columbia or in any matter where the District of Columbia is a party or has a direct and substantial interest, before any department, agency . . . or any civil or military commission.

### ANALYSIS

Your memo indicates that your outside employment does not violate the Standards of Ethical Conduct. As long as your position as a computer consultant does not deal with companies that perform work for or are regulated by EPA; does not involve EPA time or property; will not otherwise interfere with the performance of your official duties; and neither involves work with entities which could gain an advantage at EPA through the exercise of your official duties, nor imply EPA endorsement of your product or services, your outside employment will not create



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.  
ATLANTA, GEORGIA 30365

MAR 9 1995

MEMORANDUM

**SUBJECT:** Request for Permission to Engage in Outside Employment

**FROM:** Patrick Tobin *Patrick Tobin*  
Deputy Ethics Official

**TO:** *etl*  
Environmental Scientist  
RCRA Compliance Section

The purpose of this memorandum is to respond to your memorandum dated February 24, 1995, requesting permission to work as a computer consultant for various customers, including credit unions, real estate agencies, and small engineering consulting firms.

ISSUE PRESENTED

Whether your employment as a computer consultant violates the Standards of Ethical Conduct and creates a conflict of interest with your Federal employment.

BRIEF ANSWER

Subject to the restrictions noted below, your proposed outside employment does not violate the Standards of Ethical Conduct and does not create a conflict of interest with your Federal employment at EPA.

FACTS

In your February 24, 1995, memorandum, you state the following facts. You will pursue your position as a computer consultant on a limited basis; none of the companies you consult with perform work for EPA or are regulated by EPA in any way; and

all the work you perform for these companies will be conducted after EPA business hours and will not utilize government property.

### DISCUSSION

EPA's general policy is that an employee may engage in outside employment or other outside activity subject to certain restrictions. See 5 C.F.R. § 2635 subparts A-H.

These restrictions prohibit an EPA employee from using EPA time and resources during official work hours to perform his or her outside duties: 5 C.F.R. §§ 2635.101, 2635.704, and 2636.705. Similarly, the employee is restricted from using information obtained as a result of government employment and which has not been made available to the public: 5 C.F.R. §§ 2635.101 (b)(3), 2635.703.

In addition, the employee's outside employment must not involve work with entities which could gain an advantage at EPA through the employee's exercise of his or her official duties: 5 C.F.R. §§ 2635.101(b)(7), 2635.702, 2635.801(c). Employees also must insure that their outside employment is not construed as implying an official EPA endorsement of any product or service: 5 C.F.R. § 2635.702(b).

The conflict of interest provisions of 18 U.S.C. §§ 203 (a), 203(b), 205(a), and 205(b) bar Federal employees from:

representing as agent or attorney or otherwise, a party in a proceeding, application, request for a ruling or other determination . . . in which the United States is a party or has a direct and substantial interest, or in a claim against the District of Columbia or in any matter where the District of Columbia is a party or has a direct and substantial interest, before any department, agency . . . or any civil or military commission.

### ANALYSIS

Your memo indicates that your outside employment does not violate the Standards of Ethical Conduct. As long as your position as a computer consultant does not deal with companies that perform work for or are regulated by EPA; does not involve EPA time or property; will not otherwise interfere with the performance of your official duties; and neither involves work with entities which could gain an advantage at EPA through the exercise of your official duties, nor imply EPA endorsement of your product or services, your outside employment will not create

a conflict of interest with your position at EPA.  
If you have any questions, please feel free to contact Catherine  
Winokur at 447-2641 ext. 2159.

4WD-RCRA

MEMORANDUM

DATE: February 24, 1995

SUBJECT: Approval of Outside Activities

FROM: *elt*  
Environmental Scientist  
RCRA Compliance Section

THRU: Shannon E. Maher  
Chief, AL/MS Unit  
RCRA Compliance Section

TO: Patrick M. Tobin  
Deputy Ethics Official

In accordance with 5 C.F.R. Part 2635, Subpart H and 40 C.F.R. Part 3, Subpart E, I am requesting Agency approval of certain outside consulting activities.

Since my employment at the EPA in December of 1990, I have continued to pursue, on a limited basis, computer consulting opportunities arising from my previous job. Typical customers include credit unions, real estate agencies and small engineering consulting firms. None of these companies perform work for the EPA or are regulated by the EPA in any way. All work performed for these or other companies will be conducted after EPA business hours and will not utilize Government property.

Should you require further information or have questions, please contact me at vmx6405.

cc: Cathy Winokur, ORC



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

JUL 09 2012

**MEMORANDUM**

**SUBJECT:** Approval to Engage in Outside Employment

**FROM:** Nancy Tommeillo *NT*  
Deputy Ethics Official  
Deputy Regional Counsel

**TO:** *Exemption 6*  
Assistant Regional Counsel  
Office of Environmental Accountability

The purpose of this memorandum is to respond to your June 27, 2012, memorandum seeking approval to teach as an adjunct professor at the *Exemption 6*, a nonprofit university, in *ex 6*. You indicate you will teach one class per week for one semester in environmental/natural resource law. You will be compensated at a salary commensurate with other adjunct faculty. You anticipate devoting a half day per week to this activity, and will not use official time, government property, resources or facilities, not available to the general public in connection with teaching or preparing for the course.

The Standards of Ethical Conduct generally restrict an employee from receiving compensation from any non-Government source for teaching, speaking or writing related to the employee's official duties. Although the subject matter of the course is environmental/natural resource law, you have explained that it is not related to your official duties, as that term is defined at 5 C.F.R. § 2635.807(a)(2)(i). For example, you clarified that the course content does not to any extent, significant or otherwise, cover programs, policies or operations of EPA. To the contrary, it is a general survey course covering an array of environmental statutes, a number of which are administered exclusively by agencies other than EPA. To the extent EPA has a role in administering any of the laws you teach, you do not include information on any regulations administered or enforced by EPA, nor do you address any programs, policies or operations of EPA in connection with those environmental laws. While your teaching may occasionally deal on a very general level with subject within the agency's area of responsibility, you are not precluded from teaching such subjects that fall under your inherent area of expertise. See Note to 5 C.F.R. § 2635.807. Based upon the information before me and the representations made in your request, I have determined that your activity is not prohibited by statute or Federal regulation. Accordingly, I am approving your request to engage in this particular employment within the limitations you have specified regarding the scope of your proposed activities.<sup>1</sup>

<sup>1</sup> An exception to the general prohibition allows an employee to accept compensation for teaching related to official duties, of a course requiring multiple presentations offered as part of the regularly established curriculum of an institution of higher education. 5 C.F.R. §2635.807(a)(3). However, since this teaching activity is not related to official duties, it is unnecessary to determine whether it would fall under this exception.

However, I wish to call your attention to certain ethical constraints that may be particularly applicable due to the specified nature of your outside activity. You are not to use or permit the use of your official title or position to identify you in connection with the teaching activity other than to include such information as one of several biographical details. Moreover, the Standards of Ethical Conduct for Employees of the Executive Branch require that your EPA affiliation not be used to suggest any government sanction or endorsement of your services. §§5 C.F.R. § 2635.702(b) and (c). You may satisfy this requirement by communicating to your audience a disclaimer such as the following: "The information presented in this course expresses my personal views and does not necessarily reflect the official position of the EPA." You must also avoid using or disclosing Government "nonpublic information." 5 C.F.R. § 2635.703. Please keep in mind that you are prohibited from using EPA time and resources during official work hours to perform this outside activity. 5 C.F.R. § 2635.704-705.

If there is a change or error in the above-stated factual information concerning your outside activity, you must submit a revised request for approval. Furthermore, this approval will be valid for a period of five years. If you continue to engage in this outside activity beyond this five year approval period, you should promptly submit a revised approval request before your current approval elapses.

If you have any questions about this matter, please contact Susan Schub of the Region 4 Ethics Team at ext. 2-9586.

**MEMORANDUM**

**DATE:** June 27, 2012

**SUBJECT:** Request For Outside Activity  
Adjunct Professor Position

**FROM:** *exb*  
Assistant Regional Counsel

**THRU:** Mary C. Johnson  
Chief, CERCLA B, OEA

**TO:** Nancy Tommelleo  
Deputy Regional Counsel  
And  
Susan Schub  
Lead, Region 4 Ethics Team

Per this memorandum, I am requesting "outside activity" approval to teach as an adjunct professor, for compensation, at the Institute of Sustainable Practice at the *exb* located in *exb* is a nonprofit university. As an adjunct professor at *exb* University, I will teach one class per week (Thursday mornings) for one semester in environmental/natural resource law. I was contacted for this activity by the *exb* Executive Director in my individual capacity. In no way does the selection for this position relate to my official duty or capacity as an EPA attorney. My 30-year expertise as a multi-disciplined environmental/natural resource attorney rather than my role as an EPA attorney is/was the factor for my selection for this position. This activity will not be undertaken as a part of my official duties with the EPA. My official title as an EPA attorney will not be used in connection with this activity except that the inclusion of my title will be used as one of several biographical details when such information is given to identify me in connection with the activity and it will be given no more prominence than other significant biographical details. My role as an EPA attorney will not be a factor/topic in my course lectures. *exb* University does not have any interests that may/will be affected substantially by the performance or nonperformance of my official duties with the EPA. The subject/nature of my lectures will be in the general instruction of federal and state environmental and natural resource law. My instruction will not deal in significant part with any matter to which I am presently assigned or to which I have been assigned or with any ongoing or announced policy, program or operation of the EPA. I will receive compensation for this activity. Although I do not know the exact salary at this time, I do know that the compensation will be in line with other salaries paid to an adjunct professor at a university to teach one class. I estimate that I will devote a half day per week to this activity and

DH

*MCJ*  
MJ

SS

NT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

MEMORANDUM

FEB 01 2010

SUBJECT: Approval of Outside Activity  
FROM: William Anderson, Deputy Ethics Official  
Office of Environmental Accountability  
TO: *exemption 6*  
Assistant Regional Counsel

The purpose of this memorandum is to respond to your request of January 26, 2009, seeking administrative approval to engage in outside legal representation involving the criminal record of a family member's past-misdemeanor. You estimate that you will devote 6 to 10 hours to this activity for which you will not be compensated. You indicate that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this activity.

Generally, an employee may engage in outside employment or other outside activity subject to certain restrictions set forth at 5 C.F.R. § 2635 (Standard of Ethical Conduct for Employees of the Executive Branch). Based on the factual information before me and the representations made in your request, I have determined that providing legal services as indicated above is not expected to involve conduct prohibited by statute or Federal Regulation. Therefore, I approve your request to engage in outside employment providing the aforementioned services.

Please be advised of the following restrictions pursuant to 5 C.F.R. § 2635, which are relevant to your proposed outside employment. An EPA employee is prohibited from using Agency time and resources during official work hours to perform outside duties. An EPA employee may not engage in outside employment that conflicts with official duties. Employment will conflict with official duties if it is prohibited by statute, or will require the employee's disqualification from matters central and critical to the performance of the employee's official duties. Furthermore, you must ensure that your EPA affiliation is not used to suggest any government sanction or endorsement of your services, as required under 5 C.F.R. § 2635.702(b) and (c). As you perform this legal service, you should be aware that 18 U.S.C. § 205, generally prohibits a federal employee from acting as the "agent" for another before any federal government agency on matters involving a "direct and substantial interest" of the United States.

If there is a change in the nature or scope of your official duties or in the above-stated factual information concerning your outside activity, you must submit a revised request for approval. Furthermore, this approval will be valid for a period of five years.

If you have any questions about this matter, please contact Susan B. Schub at ext. 2-9586.

Request For Outside Activity

*exempt* to: Bill Anderson, Susan Schub  
Cc: MaryC Johnson

01/26/2010 09:39 AM

NOTICE: CONFIDENTIAL  
ATTORNEY WORKPRODUCT; ATTY/CLIENT PRIVILEGE  
DO NOT RELEASE

Per this EMail, I am requesting approval to represent a relative, i.e., nephew, in a legal matter, expunge record. In 1972, my nephew was convicted of a criminal misdemeanor violation and his record was supposed to be expunged at that time. Recently, this matter appeared on a background check. The court clerk states that the matter was expunged from his record and cannot explain why/how it appeared on the background check. My nephew has requested help from me. I will receive no compensation for this activity. I estimate that I will devote 6 to 10 hours to this activity and the activity will be performed entirely outside of normal duty hours. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this activity. Moreover, I have read, are familiar with, and will abide by the restrictions described in 5 CFR 2635 and 6401.102; and I am not aware of any EPA assistance agreements or contracts held by nephew. Let me know if you need anything else. Thank you.

*exemption*

Assistant Regional Counsel  
US EPA, Region 4  
61 Forsyth Street S.W.  
Atlanta, GA 30303-8960  
Tel: (404) 562-9548  
Fax: (404) 562-9487  
[harbin.david@epa.gov](mailto:harbin.david@epa.gov)

CONFIDENTIALITY NOTICE

This message is being sent by or on behalf of an attorney. It is intended exclusively for the individual(s) of entity(s) to which it is addressed. This communication may contain information that is propriety, privileged, or confidential or otherwise legally exempt for disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy, or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by email and delete all copies of the message.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

JAN 25 2013

**MEMORANDUM**

**SUBJECT:** Approval of Outside Activity

**FROM:** Nancy L. Tommelleo *NLT*  
Deputy Ethics Official

**TO:** *exemption 6*  
Associate Regional Counsel

The purpose of this memorandum is to respond to your request of January 24, 2013, seeking administrative approval to engage in outside employment by providing legal representation for your son and possibly several individual friends in connection with an incident occurring in *exemption 6*. You indicate that representation is expected to involve telephone conversations with the city attorney and possibly other counsel, as well as the possibility of appearing in *ex 6* Municipal Court. You estimate spending approximately 8 to 12 out of regular work hours. You do not expect to be compensated for this activity.

Generally, an employee may engage in outside employment or other outside activity subject to certain restrictions set forth in relevant law, including the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635 ("the Standards"). See 5 C.F.R. § 2635 subparts A-H, and Title 18 of the United States Code. Based on the factual information before me and the representations made in your request, I have determined that providing legal services as you have requested is not expected to involve conduct prohibited by statute or Federal Regulation. Therefore, I approve your request to engage in outside employment providing the aforementioned services.

I wish to call your attention to certain ethical constraints that may be particularly applicable to your proposed outside employment. An EPA employee is prohibited from using Agency time and resources during official work hours to perform outside duties. 5 C.F.R. §§ 2635.101, 2635.704-705. Additionally, an EPA employee may not engage in outside employment or activity that conflicts with the employee's official duties. An activity or employment will conflict with official duties if it is prohibited by statute, or will require the employee's disqualification from matters central and critical to the performance of the employee's official duties. 5 C.F.R. § 2635.802. Further, you must ensure that your EPA affiliation is not used to suggest any government sanction or endorsement of your services, as required under 5 C.F.R. § 2635.702(b). As you perform legal services you should be aware that 18 U.S.C. § 205, generally prohibits a federal employee from acting as the "agent" or "attorney" for another before any federal government agency on matters involving "direct and substantial interest" of the United States. However, for matters in which an employee has not participated personally or that are the subject of his/her official responsibility, there is a limited exception to this prohibition allowing employees to represent themselves as well as certain family members.

If there is a change in the above stated factual information or if you have any questions about this matter, please contact Susan Schub of the Region 4 Ethics Team at ext. 2-9586.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

JUL 17 2012

MEMORANDUM

**SUBJECT:** Reply to determination on outside Videography business

**FROM:** Susan B. Schub *ASB*  
Lead, Region 4 Ethics Team

**TO:** *exemption 6*  
NEPA Office

I am responding to your request for a determination regarding your outside activity interest. You indicate that you would like to conduct a Videography business. You anticipate that the business would take about eight hours of your time per week and would be accomplished entirely outside duty hours. More specifically, you would produce videos for kayaking and other sports related events, as well as produce web commercials for small businesses. You estimate that within the next six months you could earn approximately \$~~10k~~ and possibly have four clients.

As we discussed, EPA's supplemental rules require administrative approval for certain outside activity. 5 C.F.R. Sec. 6401.103. In Region 4, that approval is provided by the Deputy Ethics Officials. However, as long as the activity a) does not involve subject matter that deals in significant part with policies, programs or operations of EPA or any matter to which you are currently assigned or have been assigned during the previous one year period; b) is not for provision of services to or for an EPA contractor, holder of an EPA assistance agreement or sub agreement; or c) is not for a firm regulated by EPA Region 4, you will not need to obtain written prior approval pursuant to 5 C.F.R. § 6401.103(a). At this time, you do not need to seek prior administrative approval to conduct this activity.

Generally, an EPA employee may engage in outside employment or other outside activities, subject to certain restrictions set forth in relevant law, including the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635 (the "Standards"). See 5 C.F.R. § 2635 subparts A-H, and Title 18 of the United States Code. These restrictions prohibit an EPA employee from using EPA time and resources during official work hours to perform outside duties. 5 C.F.R. §§ 2635.101, 2635.704-705. Most importantly, however, is the prohibition on outside activity that conflicts with the employee's official duties. See 5 C.F.R. § 2635.801(b)(1). An outside activity would conflict with your official duties if it is prohibited by statute or if it would require your disqualifications from matters so central or critical to the performance of your official duties that your "ability to perform those duties would be materially impaired." 5 C.F.R. Sec. 2635.802(a) and (b). To the extent your video projects and clients are unrelated to your official duties and to the programs, operations and policies of EPA, you should not have such a conflict.

However during our recent discussion, you raised certain hypothetical scenarios that would raise conflicts concerns. Keep in mind that, as discussed, conflicts causing disqualification from duties are typically based upon a conflicting financial interest or appearance of a loss of impartiality in performance of an employee's official duties.

The conflicting financial interest provisions are set forth in both a criminal statute, 18 U.S.C. 208(a), and in the Standards at 5 C.F.R. Sec. 401. In essence employees are prohibited from participating personally and substantially in an official capacity in any particular matter in which he or any person whose interests are imputed to him has a financial interest, if the particular matter will have a direct and predictable effect on that interest. As an example, public interest group XYZ seeks your services to film conversations

pertaining to a contested project that you are currently working on in your capacity as a senior NEPA EIS employee. XYZ has submitted comments on the project. Were you to take on employment by XYZ to work on that project you would be prohibited from continuing to work on the matter at EPA based upon what would likely be considered a conflicting financial interest -financial interests of an entity (XYZ) for which you serve as an employee (or contractor) will serve to disqualify you to the same extent as if they were your own interests. Even negotiating for employment with XYZ may give rise to a financial conflict of interest. 5 C.F.R. § 2635.402(b)(2)(v). At the very least, even if this would not arise to a financial conflict you would have an appearance of loss of impartiality as set forth at 5 C.F.R. Sec. 2635.501: If a person (or entity) with which you have a covered relationship is or represents a party to a matter, and circumstances would cause someone to question your impartiality, you should not participate in the matter without authorization from an ethics designee. A covered relationship exists with an entity with which the employee has or seeks a business, contractual or other financial relationship. Therefore, XYZ's participation through commenting on the project is analogous to being a party for this purpose so that you would have a covered relationship with XYZ; and it is reasonable that your impartiality in the NEPA matter would be questioned. Under these circumstances, you would be conflicted in continuing to carry out your official duties if you took on this project, absent an impartiality determination. Such determination would not be appropriate under these circumstances.

Aside, from the above restrictions, other limitations that may be particularly relevant to your activity with any and all clients and projects, should be kept in mind: You should also pay particular attention to 5 C.F.R. § 2635.807(a), which prohibits use of "nonpublic information" for private purposes; you should also remain continuously mindful of 18 U.S.C. § 205, a criminal statute which generally prohibits a federal employee from acting as the "agent" or "representative" of others before any federal Government agency on matters involving a "direct and substantial" interest of the United States; furthermore, while this statute does not prohibit "representational" contact with non-federal government officials, your EPA affiliation may not be used to suggest any Government sanction or endorsement of your services. [5 C.F.R. §§ 2635.702(b) and (c)] Therefore, you should be very clear that you are acting in a private non-official capacity if, as part of your outside work, you are in contact with individuals or entities with whom you have dealt previously in an EPA capacity, such as state or local government officials, or representatives of non-profit public interest groups.

In summary, engaging in an outside Videography business will not require formal administrative approval pursuant to 5 C.F.R. § 6401.103; You may engage in this activity within the limitations specified, for clients and projects unrelated to official duties; Other than the example already discussed above, should you wish to engage in projects or with clients involving subject matter that deals in significant part with the policies, programs or operations of EPA, or any matter to which you are currently assigned or have been assigned within the previous one-year you will contact me or another member of the Ethics Team to process a request for approval from your Deputy Ethics Official pursuant to 5 C.F.R. § 6401. Based upon the specific facts at that time, it will be determined whether you may engage in the activity with proper precautions taken such as disqualification from your official duties or by obtaining an impartiality determination.

If you have any questions please do not hesitate to contact me at ext. 2-9586.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

OCT 20 2005

MEMORANDUM

SUBJECT: Response to Request for Approval of Outside Employment Activity

FROM: A. Stanley Meiburg  
Deputy Ethics Official

TO: *ex 6*  
Ecological Assessment Branch, SESD

The purpose of this memorandum is to respond to your request dated October 17, 2005, seeking approval to engage in outside employment relating to collection, analysis, and interpretation of field data used as input to water quality models. On January 3, 1997, you received approval to provide technical services involving field collection and measurement of water quality data, for use by others as empirical inputs for development of mathematical water quality models. Thereafter on March 7, 2003, that approval was renewed. However approval was expressly limited to assessment work on waterbodies located outside the eight-state Region 4 area, performed for client entities located outside Region 4. You were cautioned to submit a new request if you sought to perform assessment work on any waterbody located in a Region 4 state. My initial response noted, that "Because of the similarity between the outside services you propose to provide and the types of technical services which, as part of your EPA job, you are or may be assigned to provide to Region 4 state environmental agencies administering EPA-delegated water programs, any proposal to perform this kind of outside activity for private parties regulated by these agencies would have to be examined carefully to determine whether it might materially impair your ability to perform the duties of your EPA position. 5 C.F.R. § 2635.802(b)." Your current proposal for the collection and measurement of water quality data covers waterbodies located in the Region 4 state of Kentucky.

Specifically, the activity you now seek approval to perform is an oxygen dynamics assessment on two streams, Muddy Fork Creek and Beargrass Creek, in Louisville, Kentucky. The work will be a collection of dissolved oxygen components, namely, reaeration, and production & respiration rates for *exemption to*

The rates will be provided to the University of *ex 6* professorial staff under contract with *ex 6*, who will develop the water quality model. Upon conclusion of the 5-day field effort, your involvement will be completed. Additionally, you have stated that you will not use non-public Government information, official duty time, or Government property, resources, or facilities in connection with this outside employment activity.

Generally, an EPA employee may engage in outside employment or other outside activities, subject to certain restrictions set forth in relevant law, including the Standards of Ethical Conduct for Employees of the Executive Branch ("Standards"), 5 C.F.R. Part 2635. However, Section 2635.802, of the Standards, prohibits an employee from engaging in outside employment or any other outside activity that conflicts with his official duties. An activity conflicts with an employee's official duties, if it would require the employee's disqualification from matters so central or critical to the performance of his official duties that the employee's ability to perform the duties of his position would be materially impaired. According to 5 C.F.R. § 2635.402, an employee must be disqualified from participating in a particular matter in which he, or a person whose interests are imputed to him has financial interest, if the particular matter will have a direct and predictable effect on that interest. To participate personally and substantially in such matters is also prohibited by criminal statute. 18 U.S.C. 208(a).

Participation in your official capacity on matters related to the water quality of the Muddy Fork Creek, Beargrass Creek, and/or the *Lexington 6* would have a direct and predictable effect on your financial interest if you were to engage in the requested outside activity. Therefore, approval of your request would necessitate your being disqualified from official participation on those particular matters.<sup>1</sup> In a telephone conversation on October 19, 2005, with Susan B. Schub, of the EPA Region 4 Ethics Team, Mr. William R. Bokey, Chief, Ecological Assessment Branch, indicated that such disqualification would materially impair your ability to perform the official duties of your position. Mr. Michael Peyton, Director, SESD confirmed this determination with Ms. Schub as well.

Based upon the information provided by your managers, I have concluded that the activity you seek to engage in conflicts with your official duties. Therefore, I do not approve your request for outside employment activity.

If you have any questions about this matter, you should contact Susan B. Schub at (404) 562-9586.

cc: William Bokey  
Carlos Asencio

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<sup>1</sup> It should be noted that EPA Region 4 has past and ongoing matters related to the aforementioned streams and Sewer District. You explained that within the last 2-3 years you and colleagues in the Ecological Assessment Branch conducted dissolved oxygen assessments on both the Muddy Fork Creek and Beargrass Creek, at the request of the EPA, Region 4 Water Division. Furthermore, the Louisville-Jefferson County Metropolitan Sewer District is currently a defendant in a Civil Action brought on behalf of the U.S. EPA, Region 4 for Clean Water Act sewer overflow violations, involving at least one of the aforementioned waterbodies.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

4EAD

MAR - 7 2003

MEMORANDUM

SUBJECT: Approval of Outside Employment Activity

FROM: A. Stanley Meiburg  
Deputy Ethics Official

A handwritten signature in black ink, appearing to read "AS Meiburg", written over the printed name and title.

TO: *exemption 6*  
Ecological Assessment Branch  
Science and Ecosystem Support Division

The purpose of this memorandum is to respond to your request dated January 27, 2003, seeking renewal of administrative approval for you to engage in outside employment activity relating to water quality assessment. As documented in my January 3, 1997, approval memorandum to you, the prior approval covered provision of technical services involving field collection and measurement of water quality data, for use by others as empirical inputs for development of mathematical water quality models. Because of the similarity of such services to technical services which, as part of your EPA duties, you could be assigned to provide to state environmental agencies administering EPA-delegated water programs within Region 4, your prior approval was expressly limited to assessment work on waterbodies located outside the eight-state Region 4 area, performed for client entities located outside Region 4. Your renewal request indicates that you will continue to limit your non-EPA assessment work to activities involving only clients and waterbodies outside Region 4's geographical area. Additionally, you have stated that you will not use non-public Government information, official duty time, or Government property, resources, or facilities in connection with this outside employment activity.

Generally, an EPA employee may engage in outside employment or other outside activities, subject to certain restrictions set forth in relevant law, including the Standards for Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635. Based on the factual information before me and on the factual information in your original and renewal requests, I have determined that your outside employment as described is not expected to involve conduct prohibited by statute or Federal regulation. Accordingly, I am hereby approving your request for renewal of administrative approval to engage in this outside employment, within the limits you have specified regarding the scope of your activities.

In accordance with 5 C.F.R. § 6401.103(d), you must submit a revised request for approval if there is a change in the nature or scope of the outside services you perform. In particular, I am repeating my prior caution that you should submit a new request if you propose to perform assessment work on any waterbody located in any part within a Region 4 state.

Moreover, even when performing your technical services outside this Region as contemplated under this approval, you should take care that your EPA affiliation, title, and/or position are not used to suggest any Government sanction or approval of your outside work, pursuant to the prohibition contained in 5 C.F.R. § 2635.702(b)&(c). For example if, in the course of performing these outside services, you come in contact with state or local government officials with whom you have dealt previously in an EPA capacity, you should insure that they understand that you are acting in a private, non-official capacity. Additionally, you are reminded of the provisions of 18 U.S.C. § 205, a criminal statute which generally prohibits a federal employee from acting as the "agent" or "representative" of others before *any* federal Government agency on matters involving a "direct and substantial interest" of the United States.

If there is an inaccuracy or change in any of the above-stated factual information concerning your outside activity, or if you have any questions about this matter, you should contact Lawrence Neville of the Region 4 Ethics Team at (404) 562-9584.

cc: Bill Bokey, Chief, Ecological Assessment Branch, Science and Ecosystem Support Division



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 4**

Science and Ecosystem Support Division  
980 College Station Road  
Athens, Georgia 30605-2720

**MEMORANDUM**

**DATE:** January 27, 2003

**SUBJECT:** Ethics Review  
Request for Approval of Work Outside the Agency

**FROM:** *exemption to [two employees]*  
Ecological Assessment Branch  
Science & Ecosystem Support Division

**TO:** A. Stanley Meiburg  
Deputy Regional Administrator  
EPA, Region 4

**THRU:** Lawrence Neville, Counsel  
EAD

Accompanying this memo are separate documents from each of us requesting your approval, as Region 4 Ethics Official, for us to perform work outside of the agency. Such work will involve measurement of oxygen dynamic, hydrodynamic, and water quality parameters aimed at collection of data for accurate calibration and verification of water quality models. The attached individual memos address the specific items required for EPA ethics review. This request is simply for renewal of permission granted by your memo dated January 3, 1997. The context of the outside endeavors remain the same. Below, is the rationale which accompanied and compelled our original request. That rationale remains even more germane to date.

Water quality/wasteload allocation models can only be as accurate in their depiction of waterbody water quality conditions as the data that is input to the models. Certain parameters and processes are of greater sensitivity to the model than others. Without accurate and precise quantification of input values relative to such processes as primary production and respiration, sediment oxygen demand, reaeration and diffusion, and effluent retention time and dilution, the model outputs will not realistically represent ambient conditions. Far too often, model inputs of

the above sensitive parameters are extracted only from ranges or empirical equations presented in literature. The model is subsequently "tweaked" by manipulating the input parameters, thus forcing the model to "fit" some expected range of ambient conditions. In such cases, the oxygen demanding and consuming processes have not been accurately partitioned in terms of their contributions or liabilities to the aquatic system. Fortunately, such model debits and credits can be partitioned and quantified through insitu field measurements to greatly enhance model effectiveness and, more importantly, take the subjectiveness out of model calibration and replace it with objective, directly measured real data. It is the collection and provision of this type of information that we propose to provide to clients outside EPA. Provision of objective, field collected and verified data for model input will provide a consistent foundation for enhancing positive actions for the environment.

Our interest toward pursuit of this type of work outside the agency is a result of a number of interrelated factors. First and foremost, the value of real data for model development is undisputed and has been demonstrated, by us, in a number of situations beyond the geographical and administrative boundaries of EPA, Region 4. Development of oxygen and hydrodynamic data through application of the techniques with which we have recognized expertise, creditability, and a respected reputation creates a "level playing field" between modelers both within and outside government by eliminating subjectiveness. Based upon our experience, there is a clear need and desire for accurate data for model development throughout the water resource-industry and associated agencies, and with its availability to each facet, the environment will be the clear beneficiary. Additionally, it is expected that performance of some of these activities will be in other parts of the country and the world, thus permitting us to enhance and extend our experience and database into systems not commonly worked within our region.

We will be happy to discuss any questions that you may have as you consider our request. It is our understanding, and intention, that the accompanying requests are confidential. Your time and attention to this matter is sincerely appreciated. Our office numbers are as follows: ex 6  
706-355-8711); ex 6 (706-355-8720).

cc: Michael V Peyton, Director, SESD  
Bill Bokey, Chief, EAB, SESD

Attachments



# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

## REGION 4

Science and Ecosystem Support Division  
980 College Station Road  
Athens, Georgia 30605-2720

### MEMORANDUM

**DATE:** January 22, 2003

**SUBJECT:** Outside Employment  
Request for Administrative Approval

**FROM:** *exemption 6*  
Ecological Assessment Branch  
Science and Ecosystem Support Division

**TO:** A. Stanley Meiburg, Deputy Regional Administrator  
Deputy Ethics Official

By this memorandum I am requesting renewal of administrative approval for outside employment. Original approval for pursuing outside employment was granted by memo dated January 3, 1997 from your office. It is my understanding that such permission requires renewal, as is presently requested. My present position is GS-13 Environmental Engineer, Ecological Assessment Branch.

The outside activity being considered is consistent with the initial request, involving the provision of technical services relative to water quality and hydrological assessments. Specifically, activities will consist of providing consultation and measurements of water quality parameters related to dissolved oxygen dynamics and hydrology. These measurements will be used by others for purposes of conducting dissolved oxygen measurements, assessments, and developing mathematical water quality models. Currently, site specific data for model inputs such as sediment oxygen demand and reaeration rates are estimated through the use of empirical equations. Techniques to be employed to provide this service are readily described in the literature. No government information not available to the general public will be used.

Clients include local governments, resource authorities and private companies. The organizations for which the work will be performed, as well as the work sites, are not within

Region IV boundaries. Should opportunities occur within Region 4, of a nature that clearly do not appear to be a conflict of interest, then a specific request for permission would be made at that time for that individual activity. Experience over the past period for which I had permission for outside work has clearly proven that it is not possible to predict a specific client list. At this time, the level of outside activities anticipated will likely be no more than two or three projects per year with the total effort consisting of approximately 2 to 3 weeks of field activities. The level of compensation anticipated may range between ~~2k6~~ to ~~1k6~~ Compensation will be on a fee basis.

No official duty time, government property, resources, or facilities not available to the general public will be used in these efforts. In addition, I will not represent any client before the federal government.

All of the activities will be preformed while on leave status or in the case of subsequent report preparation, either on leave status or outside of normal duty hours and at non-government facilities.

If you need further information or clarification please contact me at 706-355-8711.

cc: Michael V. Peyton, Director, Science and Ecological Support Division

Bill Bokey, Chief, EAB



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
100 ALABAMA STREET, S.W.  
ATLANTA, GEORGIA 30303-3104

4EAD

JAN 03 1997

MEMORANDUM

SUBJECT: Approval of Outside Employment Activity  
(97-08-a5)

FROM: A. Stanley Meiburg  
Deputy Ethics Official

TO: *exemption to*  
Ecological Assessment Branch, SESD

The purpose of this memorandum is to respond to your request dated December 4, 1996, seeking administrative approval for outside employment activity involving your provision of technical services relating to water quality assessments. Specifically, you have indicated that the services you seek to perform would involve collection and measurement of water quality data in the field, which data would then be used by others as empirical inputs for the development of mathematical water quality models. You have stated that no Government information not available to the general public will be used in performing these services, and that you would not use official duty time, or Government property, resources or facilities not available to the general public in connection with your outside employment activity. You have further indicated that all the client entities for which you will perform these services, as well as all the waterbodies subject to your water quality assessment activities, are located outside the boundaries of EPA Region 4.

Generally, an EPA employee may engage in outside employment or other outside activities, subject to certain restrictions set forth in relevant law, including the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635. Based on the factual information before me and the representations made in your request, I have determined that your outside employment as described is not expected to involve conduct prohibited by statute or Federal regulation. Accordingly, I am hereby approving your request to engage in this outside employment, within the limitations you have specified regarding the scope and the location of your proposed activities, and also subject to the additional limitations set forth in the following paragraph.

Pursuant to 5 C.F.R. § 6401.103(d), you must submit a revised request for approval if there is a change in the nature or scope of the services you perform. You are particularly cautioned to submit a new request if you propose to perform assessment work on any waterbody located in any part within any Region 4 state. Because of the similarity between the outside

services you propose to provide and the types of technical services which, as part of your EPA job, you are or may be assigned to provide to Region 4 state environmental agencies administering EPA-delegated water programs, any proposal to perform this kind of outside activity for private parties regulated by these agencies would have to be examined carefully to determine whether it might materially impair your ability to perform the duties of your EPA position. Cf., 5 C.F.R. § 2635.802(b). Moreover, even with respect to the technical services outside this Region covered by this approval, I strongly caution you to insure not only that your EPA affiliation, title or position are not used to suggest any Government sanction or endorsement of these services, as required under 5 C.F.R. § 2635.702(b)&(c), but also that your outside activities are conducted so as to avoid even the appearance that any of the Standards for Ethical Conduct have been violated, pursuant to 5 C.F.R. § 2635.801(c). The nature of the outside work in which you will be engaged may give rise to situations, even outside this Region, where any reference to your EPA duties could create an appearance of implied Agency endorsement of this work. For that reason, you should take every precaution to prevent any implication -- for example, from oral or written references to your EPA affiliation in the promotion of these outside services -- by you, your employer and/or your associates -- that such an endorsement exists.

If there is a change in any of the above-stated factual information concerning your outside activity, or if you have any questions about this matter, you should contact Lawrence Neville of the Region 4 Ethics Team at (404) 562-9584.

cc: Scott Fulton, Designated Agency Ethics Official, OGC  
John Marlar, Acting Chief, Ecological Assessment Branch, SESD



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

JUN 29 2011

MEMORANDUM

**SUBJECT:** Ethical Conduct for Employee – Prior Approval for Outside Employment

**FROM:** *exemption 6*  
Environmental Management System Program Manager; Detail

**TO:** Edward H. Chu  
Assistant Regional Administrator  
Office of Policy & Management

*Coryw Beaulieu*

A. Stanley Meiburg  
Deputy Regional Administrator

Pursuant to 40 C.F.R. Section 6401.103, employees are required to obtain approval for outside employment that involves (1) consulting services; (2) the practice of a profession as defined in 5 C.F.R. Section 2636.305(b)(1); or subject matter that deals with the policies, programs, or operations of EPA.

Through this memo I, *ex 6*, Environmental Management System Program Manager, GS 15, am seeking approval for my involvement as owner/CEO of my business, *exemption 6*. At the present time my business exists in form only, as it currently has no clients, and produces no revenue, and pays me no compensation. At a future date I plan for this company to provide consulting services in the form of training, strategic planning, and leadership development services. My intention is to operate this company full-time after I retire from Federal service.

Over the next six months I don't anticipate that the company will have any clients or pay me any compensation. Over the next six months I expect to spend approximately 10 hours on this business, all of which time will be spent outside of my normal duty hours at EPA. I am aware that I am prohibited from using my official duty time, or Government property, resources, or facilities, in connection with my outside employment. This is to let you know that I have read, and am familiar with and will abide by the restrictions described in 5 C.F.R. Part 2635 and Section 6401.102. I understand that if there is a change in the nature or scope of the duties or services I perform for my business I must submit a revised request for approval.

Thank you for considering this request. If you have any questions please feel free to contact me at 2-9651.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

JUL 15 2011

**MEMORANDUM**

**SUBJECT:** Approval to Engage in Outside Employment

**FROM:** A. Stanley Meiburg, Deputy Ethics Official  
Deputy Regional Administrator

**TO:** *exemption*  
Environmental Management System Program Manager, Detail  
Office of Policy & Management  
Employee Technical Services Branch

The purpose of this memorandum is to respond to your request seeking approval for outside employment activity. By memorandum dated July 11, 2011, you requested approval to teach at *ex b* University as an adjunct professor, which will require approximately 20 hours of your time, and pay approximately \$ *ex b*. In your memorandum, you state that you do not expect the subject matter of your instruction to deal with the policies, programs or operations of the EPA. You further state that you are aware that you are prohibited from using your official duty time, or Government property, resources, or facilities, in connection with this employment, and that you are familiar with and will abide by the restrictions described in 5 C.F.R. Part 2635 and Section 6401.102. In conversations with Deborah Benjamin, you clarified that you will be teaching an on-line course in business management, and that you expect to begin teaching within the next six months.

The Standards of Ethical Conduct generally restrict an employee from receiving compensation from any non-Government source for teaching, speaking or writing related to the employee's official duties. However, there is an exception to this prohibition which allows an employee to accept compensation for teaching a course requiring multiple presentations if the course is offered as part of the regularly established curriculum of an institution of higher education. This exception is found at 5 C.F.R. § 2635.807(a)(3). Based on your description of your proposed activity, it appears that it will meet the conditions of this exception.

In addition to the considerations discussed above, you are not to use or permit the use of your official title or position to identify you in connection with the teaching activity other than to include such information as one of several biographical details. Moreover, the Standards of Ethical Conduct for Employees of the Executive Branch require that your EPA affiliation not be used to suggest any government sanction or endorsement of your services or of the services of your business, *ex b* 5 C.F.R. § 2635.702(b) and (c). You may satisfy this requirement by communicating to your audience a disclaimer such as the following: "The information presented in this course expresses my personal views and does not necessarily reflect the official position of the EPA. Additionally, my business, *ex b*, is not endorsed by or affiliated with the EPA." You must also avoid using or disclosing Government "nonpublic information." 5 C.F.R.

§ 2635.703. Please keep in mind that you are prohibited from using EPA time and resources during official work hours to perform this outside activity. 5 C.F.R. § 2635.704-705.

Based on the representations you have made in your request, I have determined that teaching the course that you plan to teach is not expected to involve conduct prohibited by statute or by Federal regulation. Accordingly, I am hereby approving your request to engage in this outside employment activity within the limitations described above. If there is a change or error in the above-stated factual information concerning your outside activity, you must submit a revised request for approval. Furthermore, this approval will be valid for a period of five years. If you continue to engage in this outside activity beyond this five-year approval period, you should promptly submit a revised approval request before your current approval elapses.

If you have any questions about this matter, please contact Deborah Benjamin of the Region 4 Ethics Team at (404) 562-9561.

cc: Edward Chu  
Deborah Benjamin



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

MEMORANDUM

JUL 11 2011

**SUBJECT:** Ethical Conduct for Employee – Prior Approval for Outside Employment

**FROM:** *exemption 6*  
Environmental Management System Program Manager, Detail

**TO:** Edward H. Chu  
Assistant Regional Administrator  
Office of Policy & Management

*Edward H. Chu*

A. Stanley Meiburg  
Deputy Regional Administrator

Pursuant to 40 C.F.R. Section 6401.103, employees are required to obtain approval for outside employment that involves (1) consulting services; (2) the practice of a profession as defined in 5 C.F.R. Section 2636.305(b)(1); or subject matter that deals with the policies, programs, or operations of EPA.

Through this memo I, *EX 6*, Environmental Management System Program Manager, GS 15, am seeking approval for a teaching opportunity at *EX 6* University as an adjunct professor where I would be instructing undergraduate college students. This position would require me to teach as an adjunct professor after duty hours, on a part-time basis. I do not expect the subject matter of my instruction to deal with the policies, programs or operations of EPA. I anticipate that I will be offered a teaching assignment within the next six months, that it will require approximately 20 hours of my time, and that the amount of my compensation will be approximately *5000*. All of the time I spend on this outside employment will be outside of my normal duty hours at EPA. I am aware that I am prohibited from using my official duty time, or Government property, resources, or facilities, in connection with my outside employment. This is to let you know that I have read, and am familiar with and will abide by the restrictions described in 5 C.F.R. Part 2635 and Section 6401.102. I understand that if there is a change in the nature or scope of the duties or services I perform for my business I must submit a revised request for approval.

Thank you for considering this request. If you have any questions please feel free to contact me at 2-9651.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

JUN 29 2011

**MEMORANDUM**

**SUBJECT:** Approval of Outside Employment

**FROM:** A. Stanley Meiburg, Deputy Ethics Official  
Deputy Regional Administrator

**TO:** *exemption b*  
Environmental Management System Program Manager, Detail  
Office of Policy & Management  
Employee Technical Services Branch

The purpose of this memorandum is to respond to your request seeking approval for outside employment activity. By memorandum submitted June 28, 2011, you requested approval for your involvement as owner/CEO of your business, *exemption b*. In your memorandum, you state that at the present time your business exists in form only, and currently has no clients, produces no revenue, and pays you no compensation. You represent that you plan to operate this company full time after you retire from Federal service, and that the company will provide consulting services in the form of training, strategic planning, and leadership development services. You indicate that over the next six months you expect to spend 10 hours on this business, all of which time will be spent outside your normal duty hours at the U.S. Environmental Protection Agency. You also state that you are aware that you are prohibited from using your official duty time, or Government property, resources or facilities, in connection with this outside employment. In your conversations with Deborah Benjamin, you have clarified that during your tenure at EPA you do not expect that the company will have any clients or pay you any compensation.

Generally, an EPA employee may engage in outside employment following prior approval pursuant to 5 C.F.R. § 6401, and subject to certain restrictions set forth in relevant law, including the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635, and Title 18 of the United States Code. Generally, an approval for outside employment remains valid for five years, though the employee must request a new approval should there be a change in the nature or scope of duties.

Based on the representations made in your request, I have determined that your involvement with your business, as described above, is not expected to involve conduct prohibited by statute or Federal regulation. Please remain aware, however, that in conducting your outside business, you are prohibited from using EPA time and resources. 5 C.F.R. §§ 2635.101, 2635.704-705. You must also ensure that in participating in your outside business your EPA affiliation is not used to suggest any Government sanction or endorsement of your services. 5 C.F.R. § 2635.702(b) and (c). You are also prohibited from using "non-public information" for private purposes. 5 C.F.R. § 2635.703(a).

In your discussions with Deborah Benjamin, you have indicated that your business is currently not active, and that you anticipate that it will become active only after you leave Federal service. On a cautionary note, however, in the event that your business becomes active while you remain an EPA

employee, be aware that if EPA assistance agreements or contracts are held by a person or entity for which your company provides services, you must notify your supervisor immediately to ensure that there is no conflict with your official duties. Additionally, EPA employees are prohibited by regulation and by criminal statute from participating personally and substantially in an official capacity in any particular matter in which, to their knowledge, they or any person(s) whose interests are imputed to them, have a financial interest, if the particular matter will have a direct and predictable effect on that interest. 18 U.S.C. § 208(a), 5 C.F.R. § 2635.402.

Additionally, if your business were to become active before you retire from EPA, you would be prohibited as a federal employee from acting as the "agent" or "representative" of others (including your clients, and your business) before any federal Government agency on matters involving a direct and substantial interest of the United States. 18 U.S.C. § 205. Representation has been defined as an appearance before, or a communication with and intent to influence the government. For purposes of the criminal statutes, a representation can be either oral or written.

If there is a change in any of the above-factual information, or if you have any questions about this matter, you should contact Deborah Benjamin at (404) 562-9561.

cc: Edward Chu  
Deborah Benjamin



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

JUL 28 2006

MEMORANDUM

SUBJECT: Request for Permission to Engage in Outside Employment

FROM: A. Stanley Meiburg  
Deputy Ethics Official

TO: *ex b*  
Manager, P2 Program

The purpose of this memorandum is to respond to your June 9, 2006, memorandum requesting approval for the following outside employment activities: 1) flight instructor; 2) adjunct professor; and 3) *ex b* planning commissioner.<sup>1</sup> For each of the activities, you have stated that you will not use official duty time, or government property, resources or facilities not available to the general public. You state that for flight training and the adjunct professorship, you will be compensated for your work. You also state that for the two compensated activities, you are unsure of the number of hours you will spend on these activities weekly, but for the most part your work will be limited to non-duty hours, such as evenings and weekends. As a professor, you state you will teach a class related to environmental science or sustainability at a local college or university. In the event your professorship involves work during duty hours, you will take leave.

The planning commission position is a non-partisan position appointed by a selection board of elected city officials, including the mayor and the city manager. It is an uncompensated position and requires that you attend meetings three hours per month, in the evening. Your appointment to this position will not involve raising campaign or other funds. You state that this position will not interfere with your duties and responsibilities at EPA.

General Ethical Limitations

Generally, an employee may engage in outside employment or other outside activity following prior approval pursuant to 5 C.F.R. § 6401, and subject to certain restrictions set forth in relevant law, including the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. § 2635 and Title 18 of the United States Code. In conducting outside activities,

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<sup>1</sup>This memorandum does not respond to your request for approval for participating in the American Society of Engineers because this activity is not considered an outside employment activity requiring approval under applicable ethics rules.

employees are prohibited from using EPA time and resources during official work hours to perform outside duties. 5 C.F.R. § 2635.101(b). You must also ensure that in conducting any activities, your EPA affiliation is not used to suggest any Government sanction or endorsement of your services, as prohibited under 5 C.F.R. §§ 2635.702(b) and (c), and you must avoid using or disclosing Government "nonpublic information." 5 C.F.R. § 2365.703.

### Flight Instructor

Based on the information before me, I have determined that your proposed outside employment as a flight instructor is not expected to involve conduct prohibited by statute or Federal regulation. In conducting this activity, please bear in mind the ethical limitations set forth above.

### Professorship

The Standards of Ethical Conduct generally restrict an employee from receiving compensation from any non-Government source for teaching, speaking or writing related to the employee's official duties. However, there is an exception to this prohibition which allows an employee to accept compensation for teaching a course requiring multiple presentations if the course is offered as part of the regularly established curriculum of an institution of higher education, an elementary school or a secondary school, as those terms are defined in 20 U.S.C. § 2891. This exception is found at 5 C.F.R. § 2635.807(a)(3).

If your adjunct professorship meets the conditions of the exception in 5 C.F.R. § 2635.807(a)(3) it will, in my opinion, be a permitted outside employment activity. In conducting this activity, in addition to the general ethical considerations discussed above, you are not to use or permit the use of your official title or position to identify you in connection with the teaching activity other than to include such information as one of several biographical details.

### ~~Exemption~~ Planning Commissioner

Because this outside endeavor involves political activities, the Hatch Act Reform Amendments of 1993 apply. The regulations to the statute are found at 5 C.F.R. Subparts A-G. 5 C.F.R. § 734.207 provides that an employee may run as a candidate in a non-partisan election. A non-partisan election, as defined by 5 C.F.R. § 734.101, is an election in which "none of the candidates is to be nominated or elected as representing a political party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected . . . ."

An employee who is a candidate for election may not participate in political activities while on duty, in any room or building occupied in the discharge of official duties, or using a Federal vehicle. 5 C.F.R. § 734.306. In addition, an employee's outside employment must not involve work with entities which could gain an advantage at EPA through the employer's exercise of his or her official position. See 5 C.F.R. §§ 2635.101(b)(7), 2635.702, 2635.801(c). Finally, the conflict of interest provisions of 18 U.S.C. §§ 203 and 205 bar federal employees



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF ENFORCEMENT  
AND COMPLIANCE ASSURANCE

August 7, 2008

MEMORANDUM

SUBJECT: Approval of Request to Accept Outside Employment

FROM: Jonathan S. Cole *[Signature]*  
Associate Director (Asst. Deputy Ethics Official)  
Office of Criminal Enforcement, Forensics and Training

TO: Ellen C. Stough  
Acting Director  
Office of Criminal Enforcement, Forensics and Training

This memorandum transmits a request from Special Agent In Charge *[Signature]* for approval of outside employment. SAC *ex 6* requests approval to teach an undergraduate level Criminal Justice course on Environmental Crime at *exemption 6 university*. He will be paid *ex 6* for teaching the course. The course will be conducted on Wednesday and Fridays from 8:00 -9:30 a.m., beginning Monday, August 25, 2008 and ending Friday, December 5, 2008. SAC Dillon will use annual leave to cover his time outside the office to teach the course, as outlined in his attached request. *FOIA exemption*

SAC *ex 6* has previously received approval from OCEFT to teach a similar courses. This course, which was designed by SAC *ex 6*, will introduce undergraduates majoring in Criminal Justice to environmental crimes and the various investigative methodologies used in their successful prosecution.

After reviewing the request, I recommend that you approve it. The CID Director supports this request (see attached email). A memorandum approving the request is attached for your signature. Please let me know if you have any questions.

cc: Fred Burnside  
Becky Barnes  
Doug Parker

Attachment

- Request for Approval for Outside Employment with attachments
- Email, Becky Barnes to Jonathan Cole, Aug. 6, 2008

Becky Barnes/DC/USEPA/US  
08/06/2008 08:30 AM

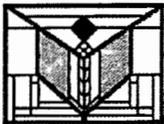
To Jonathan Cole/DC/USEPA/US@EPA  
cc Doug Parker/DC/USEPA/US@EPA  
bcc  
Subject Re: Request for Outside Employment

Jon,

I have received SAC *ex 6* request for outside employment and I approve. In fact, I believe that both the *exemption b* and EPA CID will benefit from SAC *ex 6* participation. He is indeed an outstanding representative and advocate for our mission.

Becky Barnes  
Director  
Criminal Investigation Division  
1200 Pennsylvania Avenue, NW  
Room 1222 Mail Code 2233A  
Washington, DC 20460  
Tel. 202-564-2490  
Fax 202-501-0540  
Mobile 202-373-4904

Jonathan Cole/DC/USEPA/US



Jonathan  
Cole/DC/USEPA/US  
08/06/2008 08:05 AM

To Becky Barnes/DC/USEPA/US@EPA, Doug  
Parker/DC/USEPA/US@EPA  
cc  
Subject Re: Request for Outside Employment

Becky/Doug,

Let me know if you concur and I'll then draft up the necessary documents for Ellen. Thx.

Jonathan S. Cole  
Associate Director  
Office of Criminal Enforcement, Forensics and Training  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W. (2231A)  
Washington, DC 20460  
(202) 564-2533

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*ex 6* /USEPA/US

 *ex 6* USEPA/US  
08/05/2008 04:34 PM

To Becky Barnes/DC/USEPA/US@EPA  
cc Jonathan Cole/DC/USEPA/US@EPA, Doug



Parker/DC/USEPA/US@EPA  
Subject Request for Outside Employment

Madam Director,

Attached is a request to teach an undergraduate course in EC at *exemption 6*. Could you be so kind as to "shepherd" this through Ellen and Fred.

Thank you.

  
*ex 6* 008.pdf

*exemption 6*  
Special Agent in Charge  
USEPA - Criminal Investigation Division  
Philadelphia Area Office  
1650 Arch St. (3CE00)  
Philadelphia, PA 19103-2029  
(Office) 215-814-2362  
(FAX) 215-814-2383  
(Cell) 609-209-2448

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF ENFORCEMENT  
AND COMPLIANCE ASSURANCE

**MEMORANDUM**

SUBJECT: Approval of Request to Accept Outside Employment

FROM: Ellen C. Stough, Acting Director *Ellen C. Stough* 8/11/08  
Office of Criminal Enforcement, Forensics and Training

TO: *FOIA exemption 6* Special Agent In Charge  
Philadelphia Area Office, CID

You have requested approval for outside employment in accordance with 5 CFR §6401.103, to teach for a fee (*exb*) an undergraduate level Criminal Justice course on Environmental Crime at *exemption 6*. You have previously been given approval by OCEFT to teach similar courses. This course was designed by you to introduce law enforcement, fire safety, private security and safety officials, and environmental consultants, etc., to environmental crimes and the various investigative methodologies used in successfully prosecuting them.

You indicate that the course will take place on Wednesdays and Fridays from 8:00 - 9:30 a.m., beginning Monday, August 25, 2008 and ending Friday, December 5, 2008, and you state that you will use annual leave to cover your time outside the office to teach the course.

You have agreed to abide by all restrictions and limitations applicable to such outside employment, including that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment, and that you will not be employed pursuant to an EPA contract or grant.

I am approving your request to accept this outside employment and conduct it in accordance with the applicable rules and regulations concerning outside employment, and with the following cautions and conditions.

The Office of General Counsel (OGC) has in similar situations noted certain issues concerning the formats of the course syllabus, which should guide you in teaching the course. The first issue relates to the use of your official title. OGC advises that you may use your current title, but that in order to comply with ethics guidelines, you should not make it (or the official title of any other EPA employees who may speak to the class) a primary drawing point for the course. For example, in the syllabus you can state your title, but it should not be in an overly prominent place

(a footnote with titles would be appropriate). The course description and syllabus (and any articles which may be written in connection with the course) must contain a disclaimer (which may also be in a footnote) that the views expressed are the personal views of the teacher, and do not represent the position of the U.S. EPA.

A second area that OGC advises that you must be aware of, is that the course not deal in significant part with the policies, programs or operations of EPA or any matter to which the employee is presently assigned or to which the employee has been assigned during the previous one-year period. 5 CFR 6401.103. In order to comply with this limitation, you should ensure that the course deals with the subject generally and does not focus particularly and significantly on issues that are currently being considered by EPA.

You (and any EPA employees who may speak to the class) also must commit to convey only publicly available information, and to not discuss the details of your or their own cases, or reveal EPA investigative processes or methods. In addition, no official duty time, Government property, resources, or facilities not available to the general public may be used in connection with the outside employment.

If you have any questions concerning this memorandum or the issues discussed, please contact Jonathan S. Cole, Associate Director (Asst. Deputy Ethics Official), OCEFT, at (202) 564-2533.

cc: Jonathan S. Cole  
Fred Burnside  
Becky Barnes  
Doug Parker



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF ENFORCEMENT  
AND COMPLIANCE ASSURANCE

August 27, 2010

MEMORANDUM

SUBJECT: Approval of Request to Accept Outside Employment

FROM: Jonathan S. Cole, Associate Director *Jonathan S. Cole*  
Office of Criminal Enforcement, Forensics and Training

TO: *Exemption 6*, Special Agent In Charge  
Philadelphia Area Office, CID

You have requested approval for outside employment in accordance with 5 CFR §6401.103, to teach for a fee an undergraduate level course on Environmental Crime at *Exemption 6* College *Exemption 6*. OCEFT previously approved your teaching this course in 2008. This course was designed by you to introduce environmental crimes and the various investigative methodologies utilized in successfully prosecuting them, to students majoring in Criminal Justice.

You indicate that the course will take place on Wednesday evenings from 6:30 - 9:15 p.m. from September 8 through December 10, 2010. You will be compensated at a total payment of approximately *ex 6* and you will take annual leave from EPA for any official time in which you are out of the office.

You have indicated that, consistent with the requests and conditions of approval for prior deliveries of this course, no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment, and that you will not be employed pursuant to an EPA contract or grant. You also state that teaching this course will not interfere with your official duties and that you will be available, if necessary, during the time the course is scheduled.

I am approving your request to accept this outside employment and conduct it in accordance with the applicable rules and regulations concerning outside employment, and with the following cautions and conditions.

The Office of General Counsel (OGC) has in similar situations noted certain issues concerning the formats of the course syllabus, which should guide you in teaching the course. The first issue relates to the use of your official title. OGC advises that, in order to comply with applicable ethics guidelines, you should take care to use your official title, and to not make it (or the

official title of any other EPA employees who may speak to the class) a primary drawing point for the course. For example, in the syllabus you can state your title, but it should not be in an overly prominent place (a footnote with titles would be appropriate). The course description and syllabus (and any articles which may be written in connection with the course) must contain a disclaimer (which may also be in a footnote) that the views expressed are the personal views of the teacher, and do not represent the position of the U.S. EPA.

A second area to be aware of is that the course not deal in significant part with the policies, programs or operations of EPA, or any matter to which the employee (you or any EPA employees who may speak to the class) is presently assigned or to which the employee has been assigned during the previous one-year period. 5 CFR 6401.103. In order to comply with this limitation, you should ensure that the course deals with the subject generally and does not focus particularly and significantly on issues that are currently being considered by EPA.

You (and any EPA employees who may speak to the class) also must commit to convey only publicly available information, and to not discuss the details of your or their own cases, or reveal EPA investigative processes or methods. In addition, no official duty time, Government property, resources, or facilities not available to the general public may be used in connection with the outside employment.

If you have any questions concerning this memorandum or the issues discussed, please contact me at (202) 564-2533.

cc: Becky Barnes



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF ENFORCEMENT  
AND COMPLIANCE ASSURANCE

December 3, 2008

**MEMORANDUM**

SUBJECT: Approval of Request to Accept Outside Employment

FROM: Fred L. Burnside, Director *Fred L. Burnside/bjx*  
Office of Criminal Enforcement, Forensics and Training

TO: *Exemption* *b*, Special Agent In Charge  
Philadelphia Area Office, CID

You have requested approval for outside employment in accordance with 5 CFR §6401.103, to teach for a fee an undergraduate level criminal justice courses on environmental crime at *EX b* College, *EX b*. You have previously been given approval by OCEFT in August 2008 to teach this course, designed by you to introduce environmental crimes and the various investigative methodologies utilized in successful prosecutions of same to undergraduates majoring in Criminal Justice.

You indicate that the course will take place on every Wednesday and Friday from 8:00-9:30 a.m. beginning January 14, 2009, ending Friday, May 1, 2009. You will be compensated at a total payment of *EX b*. You propose taking annual leave from EPA while you teach the course, and you state that arrangements have been made to account for situations when your duties as CID SAC, Philadelphia, may require you to miss class.

You have indicated that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment, and that you will not be employed pursuant to an EPA contract or grant.

I am approving your request to accept this outside employment and conduct it in accordance with the applicable rules and regulations concerning outside employment, and with the following cautions and conditions.

The Office of General Counsel (OGC) has in similar situations noted certain issues concerning the formats of the course syllabus, which should guide you in teaching the course. The first issue relates to the use of your official title. OGC advises that you may use your current title, but that in order to comply with ethics guidelines, you should not make it (or the official title of any other EPA employees who may speak to the class) a primary drawing point for the course. For

example, in the syllabus you can state your title, but it should not be in an overly prominent place (a footnote with titles would be appropriate). The course description and syllabus (and any articles which may be written in connection with the course) must contain a disclaimer (which may also be in a footnote) that the views expressed are the personal views of the teacher, and do not represent the position of the U.S. EPA.

A second area that OGC advises that you must be aware of is that the course not deal in significant part with the policies, programs or operations of EPA or any matter to which the employee is presently assigned or to which the employee has been assigned during the previous one-year period. 5 CFR 6401.103. In order to comply with this limitation, you should ensure that the course deals with the subject generally and does not focus particularly and significantly on issues that are currently being considered by EPA.

You (and any EPA employees who may speak to the class) also must commit to convey only publicly available information, and to not discuss the details of your or their own cases, or reveal EPA investigative processes or methods. In addition, no official duty time, Government property, resources, or facilities not available to the general public may be used in connection with the outside employment.

If you have any questions concerning this memorandum or the issues discussed, please contact Jonathan S. Cole, Associate Director (Asst. Deputy Ethics Official), OCEFT, at (202) 564-2533.

cc: Jonathan S. Cole  
Fred Burnside  
Becky Barnes  
Doug Parker



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF ENFORCEMENT  
AND COMPLIANCE ASSURANCE

**MEMORANDUM**

SUBJECT: Approval of Request to Accept Outside Employment

FROM: Ellen C. Stough, Acting Director *Ellen Stough* 6/4/08  
Office of Criminal Enforcement, Forensics and Training

TO: *Exemption 6*, Special Agent In Charge  
Philadelphia Area Office, CID

You have requested approval for outside employment in accordance with 5 CFR §6401.103, to teach for a fee a Masters' level criminal justice course on environmental crimes/investigative methodologies entitled Seminar on Environmental Crimes, at *Exemption 6*.

You have previously been given approval by OCEFT to teach this course in 1995 and each year since 1997. This course was designed by you to introduce law enforcement, fire safety, private security and safety officials, and environmental consultants, etc., to environmental crimes and the various investigative methodologies utilized in successful prosecutions of same.

You indicate that the course will take place on June 5-7 and June 20-21, 2008. You will be compensated at a total payment of *ex 6*. You propose taking annual leave from EPA for a total of three days to teach the course.

You have indicated that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment, and that you will not be employed pursuant to an EPA contract or grant.

I am approving your request to accept this outside employment and conduct it in accordance with the applicable rules and regulations concerning outside employment, and with the following cautions and conditions.

The Office of General Counsel (OGC) has in similar situations noted certain issues concerning the formats of the course syllabus, which should guide you in teaching the course. The first issue relates to the use of your official title. OGC advises that you may use your current title, but that in order to comply with ethics guidelines, you should not make it (or the official title of any other EPA employees who may speak to the class) a primary drawing point for the course. For

example, in the syllabus you can state your title, but it should not be in an overly prominent place (a footnote with titles would be appropriate). The course description and syllabus (and any articles which may be written in connection with the course) must contain a disclaimer (which may also be in a footnote) that the views expressed are the personal views of the teacher, and do not represent the position of the U.S. EPA.

A second area that OGC advises that you must be aware of, is that the course not deal in significant part with the policies, programs or operations of EPA or any matter to which the employee is presently assigned or to which the employee has been assigned during the previous one-year period. 5 CFR 6401.103. In order to comply with this limitation, you should ensure that the course deals with the subject generally and does not focus particularly and significantly on issues that are currently being considered by EPA.

You (and any EPA employees who may speak to the class) also must commit to convey only publicly available information, and to not discuss the details of your or their own cases, or reveal EPA investigative processes or methods. In addition, no official duty time, Government property, resources, or facilities not available to the general public may be used in connection with the outside employment.

If you have any questions concerning this memorandum or the issues discussed, please contact Jonathan S. Cole, Associate Director (Asst. Deputy Ethics Official), OCEFT, at (202) 564-2533.

cc: Jonathan S. Cole  
Fred Burnside  
Becky Barnes  
Doug Parker



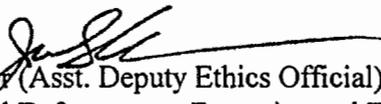
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF ENFORCEMENT  
AND COMPLIANCE ASSURANCE

May 28, 2008

**MEMORANDUM**

SUBJECT: Approval of Request to Accept Outside Employment

FROM: Jonathan S. Cole   
Associate Director (Asst. Deputy Ethics Official)  
Office of Criminal Enforcement, Forensics and Training

TO: Ellen C. Stough  
Acting Director  
Office of Criminal Enforcement, Forensics and Training

This memorandum transmits a request from Special Agent In Charge *exempt 6* for approval of outside employment. SAC Dillon requests approval to teach a Masters' level criminal justice course on environmental crimes/investigative methodologies entitled Seminar on Environmental Crimes, at EXEMPTION 6. He will be paid \$ *ex 6* for teaching the course. The course will be conducted on June 5-7 and 20-21, 2008. SAC *ex 6* will use three days of annual leave to teach the course, as outlined in his attached request.

SAC *ex 6* has previously received approval from OCEFT to teach a similar course at another institution in 1995 and 1997, and also received written approval to do so in 1998 (see letter attached to his request) and thereafter. This course was designed by SAC *ex 6* to introduce law enforcement, fire safety, private security and safety officials, and environmental consultants, etc., to environmental crimes and the various investigative methodologies utilized in their successful prosecution.

After reviewing the request, I recommend that you approve it. A memorandum approving the request is attached for your signature. Please let me know if you have any questions.

cc: Fred Burnside  
Becky Barnes  
Doug Parker

Attachment  
- Request for Approval for Outside Employment

Becky Barnes/DC/USEPA/US  
05/01/2008 08:19 AM

To: *exb* /USEPA/US@EPA, Jonathan  
Cole/DC/USEPA/US@EPA  
cc Doug Parker/DC/USEPA/US@EPA  
bcc

Subject Re: Request to Teach

History: This message has been replied to.

Thanks *exb* as you know I support you in your teaching. I will forward this to Jon Cole for official approval and we will get the word back to you right away. Thanks

----- Original Message -----

From: *exb*  
Sent: 05/01/2008 08:15 AM EDT  
To: Becky Barnes  
Cc: Doug Parker  
Subject: Request to Teach

I scanned to email this request to you but wanted to ensure that you did receive it and you know who it was from....thus this email with traditional attachment. Also, note, I will be making another request in mid summer to teach an undergraduate course for a semester at Delaware Valley College.

Thanks.

[attachment "SJU2008.pdf" deleted by Becky Barnes/DC/USEPA/US]

*exb*  
Special Agent in Charge  
USEPA - Criminal Investigation Division  
Philadelphia Area Office  
1650 Arch St. (3CE00)  
Philadelphia, PA 19103-2029  
(Office) 215-814-2362  
(FAX) 215-814-2383  
(Cell) 609-209-2448

WARNING - The information contained herein may include Law Enforcement sensitive and/or Privacy Act information, the further distribution of which (beyond the recipients to whom it has been addressed) may be in violation of federal information security regulations, civil and/or criminal law without the expressed prior written consent to release and/or disseminate further by USEPA-CID. If you are not the intended recipient please contact the sender by reply email and destroy all copies of the original message and attachments.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF ENFORCEMENT  
AND COMPLIANCE ASSURANCE

May 5, 2009

MEMORANDUM

SUBJECT: Approval of Request to Accept Outside Employment

FROM: Jonathan S. Cole, Associate Director  
Office of Criminal Enforcement, Forensics and Training

TO: *EXEMP 6* Special Agent In Charge  
Philadelphia Area Office, CID

You have requested approval for outside employment in accordance with 5 CFR §6401.103, to teach for a fee a Master's degree level criminal justice course on environmental crimes/investigative methodologies entitled Seminar on Environmental Crimes, at *EXEMPTION 6* University, *EXEMPTION 6*. You have previously been given approval by OCEFT to teach this course in 1995 and each year since 1997. This course was designed by you to introduce law enforcement, fire safety, private security and safety officials, and environmental consultants, etc., to environmental crimes and the various investigative methodologies utilized in successful prosecutions of same.

You indicate that the course will take place on June 4-6 and June 19-20, 2009. You will be compensated at a total payment of *EX 6*. You propose taking annual leave from EPA for a total of three days to teach the course.

You have indicated that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment, and that you will not be employed pursuant to an EPA contract or grant.

I am approving your request to accept this outside employment and conduct it in accordance with the applicable rules and regulations concerning outside employment, and with the following cautions and conditions.

The Office of General Counsel (OGC) has in similar situations noted certain issues concerning the formats of the course syllabus, which should guide you in teaching the course. The first issue relates to the use of your official title. OGC advises that you may use your current title, but that in order to comply with ethics guidelines, you should not make it (or the official title of any other EPA employees who may speak to the class) a primary drawing point for the course. For

example, in the syllabus you can state your title, but it should not be in an overly prominent place (a footnote with titles would be appropriate). The course description and syllabus (and any articles which may be written in connection with the course) must contain a disclaimer (which may also be in a footnote) that the views expressed are the personal views of the teacher, and do not represent the position of the U.S. EPA.

A second area that OGC advises that you must be aware of, is that the course not deal in significant part with the policies, programs or operations of EPA or any matter to which the employee is presently assigned or to which the employee has been assigned during the previous one-year period. 5 CFR 6401.103. In order to comply with this limitation, you should ensure that the course deals with the subject generally and does not focus particularly and significantly on issues that are currently being considered by EPA.

You (and any EPA employees who may speak to the class) also must commit to convey only publicly available information, and to not discuss the details of your or their own cases, or reveal EPA investigative processes or methods. In addition, no official duty time, Government property, resources, or facilities not available to the general public may be used in connection with the outside employment.

If you have any questions concerning this memorandum or the issues discussed, please contact me at (202) 564-2533.

cc: Becky Barnes  
Doug Parker



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAY 15 2007

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

**MEMORANDUM**

**SUBJECT:** Approval of Request to Accept Outside Employment

**FROM:** Peter J. Murtha   
Director, Office of Criminal Enforcement, Forensics and Training

**TO:** *Exemption 6*  
Attorney-Advisor, OCEFT-LCD

You have requested approval for outside employment in accordance with 5 CFR §6401.103, to provide financial planning services to individuals and small businesses. You state that you will be working with *exemption 6* and/or other financial services/ wealth management companies that work with financial planners. You expect that time devoted to the activity will be approximately 10 hours per week, performed outside of work hours, and that estimated compensation for calendar year 2007 should not exceed

You have indicated that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment, and that you will not be employed pursuant to an EPA contract or grant, nor will your employment involve any matters related to your position at EPA or the federal court system.

I am approving your request to accept this outside employment and conduct it in accordance with the applicable rules and regulations concerning outside employment. Please keep in mind that if the nature or scope of the duties or services performed, or the nature of this business changes, that you must submit a revised request for approval.

If you have any questions concerning this memorandum or the issues discussed, please contact Jonathan S. Cole, Associate Director (Asst. Deputy Ethics Official), OCEFT, at (202) 564-2533.

cc:   
Ellen C. Stough  
Mike Fisher



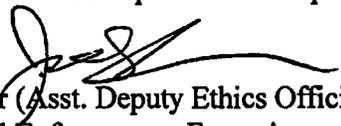
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF ENFORCEMENT  
AND COMPLIANCE ASSURANCE

April 26, 2007

**MEMORANDUM**

SUBJECT: Approval of Request to Accept Outside Employment

FROM: Jonathan S. Cole   
Associate Director (Asst. Deputy Ethics Official)  
Office of Criminal Enforcement, Forensics and Training

TO: Peter J. Murtha  
Director, Office of Criminal Enforcement, Forensics and Training

This memorandum transmits a request from Exempt 6 Attorney-Advisor in OCEFT's Legal Counsel Division, for approval of outside employment. Mr. Ex 6 requests approval to provide financial planning services to individuals and small businesses. His request states that he will be working with exemption 6 and/or other financial services/ wealth management companies that work with financial planners, and that he expects to devote approximately 10 hours per week to the activity, performed outside of work hours. He estimates that compensation for his outside work in calendar year 2007 should not exceed ex 6 consisting of fee-based services and hourly rates, as well as potential commissions.

Mr. Exempt 6 states that he has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and 5 CFR 6401.102, and that there are no known assistance agreements or contracts held by anyone to whom he would be providing services, nor will his outside employment involve any matters related to his position with EPA, or the federal court system.

After reviewing the request, I recommend that you approve it. A memorandum approving the request is attached for your signature. Please let me know if you have any questions.

cc: Ellen C. Stough

Attachment  
- Request for Approval for Outside Employment

Memorandum

Subject: Prior Approval for Outside Employment and Activity

From: ~~Exemption 6~~ Attorney-Advisor  
Office of Criminal Enforcement, Forensics, and Training

To: Jonathan S. Cole, Associate Director and Deputy Ethics Official  
Office of Criminal Enforcement, Forensics, and Training

Date: April 20, 2007

In accordance with 5 C.F.R. § 2635.803 and 5 CFR Part 6401 governing the standards of ethical conduct for employees of the United States Environmental Protection Agency, I seek prior approval for outside employment and activity. Pursuant to 5 CFR Section 6401.103, the following information is provided:

- (1) Employee's name, title and grade: ~~Exemption 6~~ Attorney-Supervisor, GS15-10
- (2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected: Will be providing to individuals and small businesses financial planning services, including cash flow analysis, debt management, income tax planning, risk management/insurance planning, estate planning, retirement planning, and investment planning. Such employment will not involve any matters related to my position with the U.S. EPA or the federal court system. Since this is a new business the amount of compensation will be variable and dependent upon successful marketing/promotional activities and referrals. Compensation should not exceed ~~Ex. 6~~ for calendar year 2007. ~~Ex. 6~~ is also exploring affiliations with financial service companies that provide back office investment and compliance support to financial planners.
- (3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months): ~~Exemption 6~~ and/or other financial services/wealth management entities.
- (4) The estimated time to be devoted to the activity: Ten hours per week.
- (5) The service will be performed entirely outside of normal duty hours (if not, estimate the

number of hours of absence from work required): Yes. If necessary annual leave will be requested.

(6) No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment: None.

(7) The basis for compensation: Fee-based services for the first set of clients will be approximately 646 with hourly rates ranging up to 646 per hour. Compensation rates will be reevaluated after approximately six months of business operation. Commissions may be received as well.

(8) I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102: Yes

(9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided: Not applicable.

(10) The outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and §6401.102.

(11) Records will be kept up-to-date. If there is a change in the nature or scope of the duties or services performed or the nature of the employee's business, I will submit a revised request for approval.

Thank you in advance for your prompt attention to this request. I can be contacted at 202-564-6540 if you have any questions.

cc: Mike Fisher

Memorandum

Subject: Prior Approval for Outside Employment and Activity

From: *Exemption b*, Attorney-Advisor  
Office of Criminal Enforcement, Forensics, and Training

To: Jonathan S. Cole, Associate Director and Deputy Ethics Official  
Office of Criminal Enforcement, Forensics, and Training

Date: April 20, 2007

In accordance with 5 C.F.R. § 2635.803 and 5 CFR Part 6401 governing the standards of ethical conduct for employees of the United States Environmental Protection Agency, I seek prior approval for outside employment and activity. Pursuant to 5 CFR Section 6401.103, the following information is provided:

- (1) Employee's name, title and grade: *Exemption b*, Attorney-Supervisor, GS15-10
- (2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected: Will be providing to individuals and small businesses financial planning services, including cash flow analysis, debt management, income tax planning, risk management/insurance planning, estate planning, retirement planning, and investment planning. Such employment will not involve any matters related to my position with the U.S. EPA or the federal court system. Since this is a new business the amount of compensation will be variable and dependent upon successful marketing/promotional activities and referrals. Compensation should not exceed *EXB* or calendar year 2007. *EXB* is also exploring affiliations with financial service companies that provide back office investment and compliance support to financial planners.
- (3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months): *EXB* and/or other financial services/wealth management entities.
- (4) The estimated time to be devoted to the activity: Ten hours per week.
- (5) The service will be performed entirely outside of normal duty hours (if not, estimate the

number of hours of absence from work required): Yes. If necessary annual leave will be requested.

(6) No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment: None.

(7) The basis for compensation: Fee-based services for the first set of clients will be approximately \$~~5/h~~ with hourly rates ranging up to \$ ~~5/h~~ per hour. Compensation rates will be reevaluated after approximately six months of business operation. Commissions may be received as well.

(8) I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102: Yes

(9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided: Not applicable.

(10) The outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and §6401.102.

(11) Records will be kept up-to-date. If there is a change in the nature or scope of the duties or services performed or the nature of the employee's business, I will submit a revised request for approval.

Thank you in advance for your prompt attention to this request. I can be contacted at 202-564-6540 if you have any questions.

cc: Mike Fisher



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON D.C., 20460

OFFICE OF CHEMICAL SAFETY  
AND  
POLLUTION PREVENTION

**MEMORANDUM**

**SUBJECT:** Approval of Outside Employment

**FROM:** Frank Sanders, Deputy Ethics Official  
Office of Science Coordination and Policy (7201M)

**TO:** *EXEMPTION 6*, Special Assistant  
Office of Science Coordination and Policy/Immediate Office (7201M)

This will confirm my approval of your request to engage in part time outside employment as an Adjunct Professor at *EXEMPTION 6* under the conditions outlined in your memorandum dated February 08, 2011. From the information you have provided, I do not expect your employment will involve conduct prohibited by 5CFRPart 2635 and §6401.102.

This approval allows you to participate in the requested employment for the next five years. However, you are required to update your request if there is a change in the nature or scope of duties or services performed. Also, if you transfer from the Office of Science Coordination and Policy, to an organization that has a different Deputy Ethics Official you must submit a new request for approval (5 CFR§6401.103(d)).

I wish you well in your teaching assignment. If you have any questions, please contact me or my ethics assistant, Inza Graves.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON D.C., 20460

OFFICE OF CHEMICAL SAFETY  
AND  
POLLUTION PREVENTION

**MEMORANDUM**

---

**SUBJECT:** Request for Approval of Outside Employment

**FROM:** *EXEMPTION b*, Special Assistant *EXEMPTION b* 02-08-2011  
Office of Science Coordination and Policy/Immediate Office (7201M)

**TO:** Frank Sanders, Deputy Ethics Official  
Office of Science Coordination and Policy (7201M)

I am requesting approval to engage in outside employment on a part-time basis in accordance with 5CFR§6401.103.

The outside employment would be a teaching position as Adjunct Professor at *exemption b* College. Attached is a description of the employment activities as required by 5CFR§6401.103. I believe no conflict of interest would be involved in performing these activities. In connection with this employment, I will not use EPA equipment, facilities, resources or my time during official working hours. I also will not use information obtained as a result of my EPA position that is not freely available to the general public. In this employment, I will not represent parties before any Federal agencies and I will refrain from taking any action implying official or unofficial EPA endorsement of any advice or opinions which I may give. I have read and will abide by the restrictions described in 5CFR Part 2635 and §6401.102.

Attachment

cc: Inza Graves (7201M)

Description of Proposed Outside Activity

Name: Exemption 6

Title: Environmental Protection Specialist / Special Assistant

Grade: GS-14

Nature of Activity: Part-time teaching position at Exemption 6 as an Adjunct Professor. I will be responsible for teaching the following courses in the field of biology. One course is taught during a semester.

1. Human Anatomy and Physiology I (BIO 204)
2. Human Anatomy and Physiology II (BIO 205)

Name of Employer: Exemption 6 Campus

Compensation Received: Approximately \$600 / semester for each course taught. My association as an Adjunct Professor does not offer any other types of compensation such as free travel, tickets, courses for family members, etc.

Time Involved: Classes will meet 2 nights per week, 6 hours per week for a total of 15 weeks. It is estimated that a total of 90 hours is expected per semester, all of which will be performed outside of normal duty hours.

Grants/Contracts Involved: To the best of my knowledge, Exemption 6 College is not receiving any EPA grants and holds no contracts with EPA.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Center for Environmental Assessment

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: June 29, 2011

SUBJECT: Request for Approval to Engage in Outside Activity – presentation at annual meeting of the *Exemption 6*, November 2011

FROM: *Exemption 6*, PhD (8601P)

TO: *Becki Clark*  
Becki Clark  
Deputy Ethics Official (8601P)

THRU: Vincent Cogliano  
Acting Director, IRIS (8601P)

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

1) Employee's name, title and grade: *Exemption 6*, Epidemiologist, GS15.

2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected:

To give a presentation at a clinical symposium on the Impact of Environmental Health on Autoimmunity at the annual meeting of the *Exemption 6*. The title of my talk is "Smoking and Silica Exposure-Models for Exploring Environmental Triggers of Disease". It is based on the discussions at the NIEHS Autoimmune Workshop I attended last September. I will review the contribution of smoking to the development of anti-CCP positive rheumatoid arthritis (and the model this line of research provides for other research on environment and autoimmune diseases), summarize the substantial literature pertaining to silica and a variety of autoimmune diseases, and discuss the findings of the workshop panelists regarding future directions for research.

The compensation expected for this work is registration for the annual meeting and travel reimbursement (air fare, two nights hotel, ground transportation). A exemption 6 honorarium, paid by the American College of Rheumatology, can be provided, but I will decline this offer. Thus I would receive support for travel, but would not accept the honorarium. This is a private organization; no U.S. government funds will be used for this purpose.

- 3) The name and business of the person or organization for which the work will be done:

Exemption 6

Contacts for this symposium:

Invitation:

Exemption 6

Logistics:

Exemption 6

- 4) The estimated time to be devoted to the activity (Please indicate exact dates if known.)  
20 hours in October preparing the talk; two days in November (probably November 5-6 or 6-7 for travel to the meeting and giving the presentation.
- 5) Whether the service will be performed entirely outside of normal duty hours (yes or no)  
No. The services are related to my work at US EPA. The symposium is tentatively scheduled for Sunday, November 6, 2011, but I would attend other days of the meeting (through November 9). In addition, I will use official duty time and Government property (e.g., computer, email) to prepare this presentation.
- 6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.); actual expenses for meeting-related travel, no honorarium or other compensation  
The compensation expected for this work is:
- registration for the annual meeting
  - travel reimbursement (air fare, two nights hotel, ground transportation).
  - A sex 6 honorarium, paid by the exemption 6, can be provided, but I will decline this offer.
- 7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered—if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.)  
There are no assistance agreements or contracts held by the Exemption 6.

**\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.**

**\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.**

**1) EMPLOYEE CERTIFICATION**

**a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.**

**b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;**

**c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)**

**d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.**

**e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.**

**f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position.***

**g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.**

**h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information**

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the IIS

Exemption 6  
\_\_\_\_\_  
employee's signature

29 June 2011  
\_\_\_\_\_  
Date

2) **DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL [Signature]  
\_\_\_\_\_

7/14/11  
\_\_\_\_\_  
Date

DISAPPROVAL \_\_\_\_\_

\_\_\_\_\_  
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Center for Environmental Assessment

OFFICE OF  
RESEARCH AND DEVELOPMENT

**DATE:** September 27, 2013

**SUBJECT:** Request for Approval to Engage in Outside Activity – preparing on-line continuing education courses for physicians on epidemiology and statistics

**FROM:** *Exemption 6*, PhD (8601P)

**TO:** Debra Walsh *Debra Walsh*  
Deputy Ethics Official (8601P)

**THRU:** Vincent Cogliano *Vincent Cogliano*  
Acting Director, IRIS (8601P)

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

- 1) **Employee's name, title and grade:** *Exemption 6* Epidemiologist, GS-15.
- 2) **Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected:**

To prepare on-line continuing education courses for physicians covering topics relating to epidemiology of autoimmune diseases and general understanding of epidemiology and statistics.

Compensation would be in the form of royalties based on the purchase of each course (*Exemption 6* per course per student)

3) The name and business of the person or organization for which the work will be done

Exemption 6

4) The estimated time to be devoted to the activity (Please indicate exact dates if known.)

Beginning in October, 2013, approximately 4 hours per week (during weekends or other off duty hours), for up to a 1 year period to complete the series of courses.

5) Whether the service will be performed entirely outside of normal duty hours (yes or no)

Yes.

6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.); actual expenses for meeting-related travel, no honorarium or other compensation

Compensation would be in the form of royalties based on the purchase of each course (\$ Ex 6 per course per student)

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered—if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.)

There are no assistance agreements or contracts held by: Exemption 6

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\* Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

**1) EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position.*

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

EXEMPTION 6 \_\_\_\_\_

27 Sept 2013  
Date

**2) DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL \_\_\_\_\_

\_\_\_\_\_  
Date

DISAPPROVAL \_\_\_\_\_

\_\_\_\_\_  
Date





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Center for Environmental Assessment

OFFICE OF  
RESEARCH AND DEVELOPMENT

**DATE:** August 25, 2012

**SUBJECT:** Request for Approval to Engage in Outside Activity – participation in a Round Table sponsored by the EXEMPTION 6 on “Sex and Gender-Specific Environmental Exposures and Mechanisms for Autoimmune Disorders”

**FROM:** EXEMPTION 6 : PhD (8601P)

**TO:** Becki Clark  
Deputy Ethics Official (8601P)

**THRU:** Vincent Cogliano  
Acting Director, IRIS (8601P)

I am requesting your approval to participate, as part of my official duties, in a Round Table sponsored by the EXEMPTION 6. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

1) **Employee's name, title and grade:** EXEMP 6, Epidemiologist, GS-15.

2) **Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected:**

I will participate in a one-day round table discussion with approximately 15-25 experts in autoimmune diseases, environmental exposures, and disease mechanisms. No compensation is to be offered or accepted.

3) **The name and business of the person or organization for which the work will be done:**

EXEMPTION 6

4) **The estimated time to be devoted to the activity (Please indicate exact dates if known.)** One day (Friday, October 5), and an evening reception on October 4, 2012

5) **Whether the service will be performed entirely outside of normal duty hours.**  
No. The round table will be held on Friday, October 5.

6) **The basis for compensation (e.g., fee, per hour, per diem, per annum, etc)**  
No compensation

7) **Identification of any assistance agreements or contracts held by the person to or for whom services will be provided.** *(Must be answered—if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.)* I do not know if there are any assistance agreements or contracts held by the Society for Women's Health Research

1) **EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position.*

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

\_\_\_\_\_  
Employee's signature

\_\_\_\_\_  
Date

2) **DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL \_\_\_\_\_

\_\_\_\_\_  
Date

DISAPPROVAL \_\_\_\_\_

\_\_\_\_\_  
Date





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Center for Environmental Assessment

OFFICE OF  
RESEARCH AND DEVELOPMENT

**DATE:** September 13, 2011

**SUBJECT:** Request for Approval to Engage in Outside Activity – presentation at the  
- *exemption b* monthly meeting, September 29, 2011

**FROM:** *exemption b*, PhD (8601P)

**TO:** Becki Clark  
Deputy Ethics Official (8601P)

**THRU:** Vincent Cogliano  
Acting Director, IRIS (8601P)

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

**1) Employee's name, title and grade:** *exemption b* Epidemiologist, GS-15.

**2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected:**

To give a presentation at a local meeting of the *exemption b*. The talk will be on "Systemic Autoimmune Disease and the Environment", covering 1) the development of scientific evidence regarding the effects of tobacco smoke and silica dust exposure on systemic autoimmune diseases; 2) the relevance of occupational histories to a practicing rheumatologist; and 3) emerging literature concerning novel environmental exposures on systemic autoimmune diseases. No compensation (other than parking validation and a buffet supper) will be provided. This is a private organization; no U.S. government funds will be used for this purpose.

**3) The name and business of the person or organization for which the work will be done:**

EXEMPTION 6

Contact:

- 4) The estimated time to be devoted to the activity (Please indicate **exact dates** if known.)  
6 hours in Sept (5 for preparation, 1 for the presentation)
- 5) Whether the service will be performed entirely outside of normal duty hours (yes or no)  
  
Yes.
- 6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.); actual expenses for meeting-related travel, no honorarium or other compensation  
Parking validation and a buffet supper (value less than ~~\$250~~ This is a private organization; no U.S. government funds will be used for this purpose.
- 7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered—if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.)  
There are no assistance agreements or contracts held by the: EXEMPTION 6

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1) **EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position.*

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

\_\_\_\_\_  
Employee's signature

\_\_\_\_\_  
Date

2) **DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL \_\_\_\_\_

\_\_\_\_\_  
Date

DISAPPROVAL \_\_\_\_\_

\_\_\_\_\_  
Date





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Center for Environmental Assessment

OFFICE OF  
RESEARCH AND DEVELOPMENT

**DATE:** September 5, 2012

**SUBJECT:** Request for Approval to Engage in Outside Activity – writing a reference book on autoimmune disease epidemiology

**FROM:** Exemption b, PhD (8601P)

**TO:** Becki Clark  
Deputy Ethics Official (8601P)

**THRU:** Vincent Cogliano  
Acting Director, IRIS (8601P)

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

- 1) **Employee's name, title and grade:** Exemption b Epidemiologist, GS-15.
- 2) **Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected:**

To write a reference book on autoimmune disease epidemiology, to be published by Exemption b

Compensation would be in the form of a standard book contract (i.e., a set percentage of royalties depending on sales)

- 3) **The name and business of the person or organization for which the work will be done:**

Exemption b

EXEMPTION 6

**4) The estimated time to be devoted to the activity (Please indicate exact dates if known.)**

Beginning in 2013, 8 – 10 weeks over the course of one year (taken as leave without pay, e.g., one week every 4 – 6 weeks) to complete the main portion of the research and writing. Additional editing would be done over the next 6 months, without requiring leave.

**5) Whether the service will be performed entirely outside of normal duty hours (yes or no)**

Yes.

**6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.); actual expenses for meeting-related travel, no honorarium or other compensation**

Compensation would be in the form of a standard book contract (i.e., a set percentage of royalties depending on sales)

**7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered—if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.)**

There are no assistance agreements or contracts held by: exemption 6

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1) **EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position*.

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

\_\_\_\_\_  
Employee's signature

\_\_\_\_\_  
Date

2) **DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL \_\_\_\_\_

\_\_\_\_\_  
Date

DISAPPROVAL \_\_\_\_\_

\_\_\_\_\_  
Date





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Center for Environmental Assessment

(No Signature)

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: October 1, 2008

SUBJECT: Request for Approval to Engage in Official Duties - Professorial Lecturer in the Environmental and Occupational Health Department, exemption 6 University

FROM: exemption 6 PhD (8601P)

TO: Peter Preuss  
Deputy Ethics Official (8601P)

THRU: Abdel Kadry  
Program Director, IRIS, NCEA (8601P)

Official duties?  
HP  
1/13/14

I am requesting your approval to participate, as part of my official duties, as a "Professorial Lecturer" in the Department of Environmental and Occupational Health of the exemption 6. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

1) Employee's name, title and grade: exemption 6 Epidemiologist, GS14.

2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected:

I will develop and teach a short course (1/2 semester, 2 hours per week) for advanced students on "Epidemiology and Risk Assessment." I will also have the opportunity to work with students on research projects. No compensation is to be offered or accepted.

3) The name and business of the person or organization for which the work will be done:

exemption 6

iii:

4) **The estimated time to be devoted to the activity (Please indicate exact dates if known.)** One semester each year, 4 hours per week (evening class) for 7 weeks

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5) **Whether the service will be performed entirely outside of normal duty hours.**  
No. Classes in this department are held in the evening, but there may be some (limited) time during normal duty hours when I would want to meet with students or participate in other department activities. In addition, during the first year, I anticipate that I will spend approximately 5 hours per week for 7 weeks developing course materials. This material can then be adapted for other uses of benefit to the EPA, such as presentations at the TRAC meeting, and so it is appropriate to perform these activities during normal duty hours.

6) **The basis for compensation (e.g., fee, per hour, per diem, per annum, etc)**  
No compensation

7) **Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered—if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.)** I do not know if there are any assistance agreements or contracts held by the Department of Environmental and Occupational Health.

1) **EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position.*

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

*exemption b*

Oct 1, 2008  
Date

2) **DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL \_\_\_\_\_

\_\_\_\_\_  
Date

DISAPPROVAL \_\_\_\_\_

\_\_\_\_\_  
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Center for Environmental Assessment

Approved  
Signature Complete on pg 4.

may NOT have been needed. OFFICIAL duty time?

OFFICE OF RESEARCH AND DEVELOPMENT

gsp  
1/13/16

DATE: June 29, 2011

SUBJECT: Request for Approval to Engage in Outside Activity - presentation at annual meeting of the American College of Rheumatology, November 2011

FROM: Glinda S. Cooper, PhD (8601P)

TO: Becki Clark  
Deputy Ethics Official (8601P)

THRU: Vincent Cogliano  
Acting Director, IRIS (8601P)

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

- 1) Employee's name, title and grade: Glinda S. Cooper, Epidemiologist, GS15.
- 2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected:

To give a presentation at a clinical symposium on the Impact of Environmental Health on Autoimmunity at the annual meeting of the American College of Rheumatology The title of my talk is "Smoking and Silica Exposure-Models for Exploring Environmental Triggers of Disease". It is based on the discussions at the NIEHS Autoimmune Workshop I attended last September. I will review the contribution of smoking to the development of anti-CCP positive rheumatoid arthritis (and the model this line of research provides for other research on environment and autoimmune diseases), summarize the substantial literature pertaining to silica and a variety of autoimmune diseases, and discuss the findings of the workshop panelists regarding future directions for research.

The compensation expected for this work is registration for the annual meeting and travel reimbursement (air fare, two nights hotel, ground transportation). A \$750 honorarium, paid by the American College of Rheumatology, can be provided, but I will decline this offer. Thus I would receive support for travel, but would not accept the honorarium. This is a private organization; no U.S. government funds will be used for this purpose.

- 3) The name and business of the person or organization for which the work will be done:

American College of Rheumatology  
1800 Century Place, Suite 250  
Atlanta, GA 30345-4300

Contacts for this symposium:

Invitation: Diane Kamen, MD  
Email kamend@musc.edu

Logistics: Karol Flowers  
AMSpeakers@rheumatology.org

- 4) The estimated time to be devoted to the activity (Please indicate exact dates if known.)  
20 hours in October preparing the talk; two days in November (probably November 5-6 or 6-7 for travel to the meeting and giving the presentation.

- 5) Whether the service will be performed entirely outside of normal duty hours (yes or no)

No. The services are related to my work at US EPA. The symposium is tentatively scheduled for Sunday, November 6, 2011, but I would attend other days of the meeting (through November 9). In addition, I will use official duty time and Government property (e.g., computer, email) to prepare this presentation.

*official  
duty  
time*

- 6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.); actual expenses for meeting-related travel, no honorarium or other compensation

The compensation expected for this work is:

- registration for the annual meeting
- travel reimbursement (air fare, two nights hotel, ground transportation).
- A \$750 honorarium, paid by the American College of Rheumatology, can be provided, but I will decline this offer.

- 7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered—if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.)  
There are no assistance agreements or contracts held by the American College of Rheumatology.

**\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.**

**\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.**

**1) EMPLOYEE CERTIFICATION**

**a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.**

**b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;**

**c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)**

**d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.**

**e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.**

**f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position.***

**g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.**

**h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information**

I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

Glenda S. Cooper  
Employee's signature

29 June 2011  
Date

2) **DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL [Signature]

7/14/11  
Date

DISAPPROVAL \_\_\_\_\_

\_\_\_\_\_  
Date

(no signatures)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Center for Environmental Assessment

OFFICE OF  
RESEARCH AND DEVELOPMENT

**DATE:** September 13, 2011

**SUBJECT:** Request for Approval to Engage in Outside Activity - ~~presentation at the Rheumatism Society of DC monthly meeting, September 29, 2011~~

**FROM:** Glinda S. Cooper, PhD (8601P)

**TO:** Becki Clark  
Deputy Ethics Official (8601P)

**THRU:** Vincent Cogliano  
Acting Director, IRIS (8601P)

*NOT sure this was required to be filed  
gsc  
11/13/11*

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

**1) Employee's name, title and grade:** Glinda S. Cooper, Epidemiologist, GS-15.

**2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected:**

To give a presentation at a local meeting of the Rheumatism Society of DC. The talk will be on "Systemic Autoimmune Disease and the Environment", covering 1) the development of scientific evidence regarding the effects of tobacco smoke and silica dust exposure on systemic autoimmune diseases; 2) the relevance of occupational histories to a practicing rheumatologist; and 3) emerging literature concerning novel environmental exposures on systemic autoimmune diseases. No compensation (other than parking validation and a buffet supper) will be provided. This is a private organization; no U.S. government funds will be used for this purpose.

**3) The name and business of the person or organization for which the work will be done:**

Rheumatism Society of the District of Columbia  
1800 Century Place, Suite 250  
Atlanta, GA 30345-4300

---

Contact: Brian Walitt, MD, MPH, FACR  
President, Rheumatism Society of the District of Columbia

- 4) The estimated time to be devoted to the activity (Please indicate exact dates if known.)

6 hours in Sept (5 for preparation, 1 for the presentation)

- 5) Whether the service will be performed entirely outside of normal duty hours (yes or no)

**Yes**

- 6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.); actual expenses for meeting-related travel, no honorarium or other compensation  
Parking validation and a buffet supper (value less than \$25). This is a private organization; no U.S. government funds will be used for this purpose.

- 7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered—if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.)  
There are no assistance agreements or contracts held by the Rheumatism Society of the District of Columbia.

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1) **EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position.*

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

\_\_\_\_\_  
Employee's signature

\_\_\_\_\_  
Date

2) **DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL \_\_\_\_\_

\_\_\_\_\_  
Date

DISAPPROVAL \_\_\_\_\_

\_\_\_\_\_  
Date

(NO SIGNATURES)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Center for Environmental Assessment

*This one did not need to be done*  
*Official duty*  
*one-time Round-table during work hours*

OFFICE OF RESEARCH AND DEVELOPMENT

DATE: August 25, 2012

SUBJECT: Request for Approval to Engage in Outside Activity - participation in a Round Table sponsored by the Society for Women's Health Research on "Sex and Gender-Specific Environmental Exposures and Mechanisms for Autoimmune Disorders"

*JP*  
*1/13/16*

FROM: Glinda S. Cooper, PhD (8601P)

TO: Becki Clark  
Deputy Ethics Official (8601P)

THRU: Vincent Cogliano  
Acting Director, IRIS (8601P)

I am requesting your approval to participate, as part of my official duties, in a Round Table sponsored by the Society for Women's Health Research. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

- 1) **Employee's name, title and grade:** Glinda S. Cooper, Epidemiologist, GS-15.
- 2) **Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected:**  
I will participate in a one-day round table discussion with approximately 15-25 experts in autoimmune diseases, environmental exposures, and disease mechanisms. No compensation is to be offered or accepted.
- 3) **The name and business of the person or organization for which the work will be done:**  
Society for Women's Health Research  
1025 Connecticut Ave., NW  
Suite 601  
Washington, DC 20036

Christine L. Carter, PhD, MPH  
Vice President, Scientific Affairs  
Phone: 202.496.5002, Fax: 202.833.3472 Email: chris@swhr.org

4) **The estimated time to be devoted to the activity (Please indicate exact dates if known.)** One day (Friday, October 5), and an evening reception on October 4, 2012

5) **Whether the service will be performed entirely outside of normal duty hours.**

~~No. The round table will be held on Friday, October 5.~~

6) **The basis for compensation (e.g., fee, per hour, per diem, per annum, etc)**

~~No compensation~~

7) **Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered—if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.)** I do not know if there are any assistance agreements or contracts held by the Society for Women's Health Research

#### 1) **EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position.*

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

\_\_\_\_\_  
Employee's signature

\_\_\_\_\_  
Date

2) **DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL \_\_\_\_\_

\_\_\_\_\_  
Date

DISAPPROVAL \_\_\_\_\_

\_\_\_\_\_  
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Center for Environmental Assessment

*duplicate  
later one to Dep. Walsh  
dated 3/12/13*

OFFICE OF  
RESEARCH AND DEVELOPMENT

*GP  
1/13/14*

DATE: September 5, 2012

SUBJECT: Request for Approval to Engage in Outside Activity - writing a reference book on  
autoimmune disease epidemiology

FROM: Glinda S. Cooper, PhD (8601P)

TO: Becki Clark  
Deputy Ethics Official (8601P)

THRU: Vincent Cogliano  
Acting Director, IRIS (8601P)

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

- 1) **Employee's name, title and grade:** Glinda S. Cooper, Epidemiologist, GS-15.
- 2) **Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected:**

To write a reference book on autoimmune disease epidemiology, to be published by Oxford University Press.

Compensation would be in the form of a standard book contract (i.e., a set percentage of royalties depending on sales)

- 3) **The name and business of the person or organization for which the work will be done:**

Chad Zimmerman, Editor  
Oxford University Press  
198 Madison Avenue

New York, NY 10016

Phone: 212.726.6481

Fax: 212.726.6494

**4) The estimated time to be devoted to the activity (Please indicate exact dates if known.)**

Beginning in 2013, 8 – 10 weeks over the course of one year (taken as leave without pay, e.g., one week every 4 – 6 weeks) to complete the main portion of the research and writing. Additional editing would be done over the next 6 months, without requiring leave.

**5) Whether the service will be performed entirely outside of normal duty hours (yes or no)**

Yes.

**6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.); actual expenses for meeting-related travel, no honorarium or other compensation**

Compensation would be in the form of a standard book contract (i.e., a set percentage of royalties depending on sales)

**7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered—if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.)**

There are no assistance agreements or contracts held by Oxford University Press

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

**1) EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position.*

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

\_\_\_\_\_  
Employee's signature

\_\_\_\_\_  
Date

**2) DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL \_\_\_\_\_

\_\_\_\_\_  
Date

DISAPPROVAL \_\_\_\_\_

\_\_\_\_\_  
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Center for Environmental Assessment

✓ Signature of  
DEO in memo  
header only  
(Deb. Walsh)

BP 11/13/14

OFFICE OF  
RESEARCH AND DEVELOPMENT

**DATE:** March 12, 2013

**SUBJECT:** Request for Approval to Engage in Outside Activity – writing a reference book on autoimmune disease epidemiology

**FROM:** Glinda S. Cooper, PhD (8601P)

**TO:** Debra Walsh  
Deputy Ethics Official (8601P)

**THRU:** Vincent Cogliano  
Acting Director, IRIS (8601P)

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

- 1) **Employee's name, title and grade:** Glinda S. Cooper, Epidemiologist, GS-15.
- 2) **Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected:**

To write a reference book on autoimmune disease epidemiology, to be published by Oxford University Press.

Compensation would be in the form of a standard book contract (i.e., a set percentage of royalties depending on sales)

**3) The name and business of the person or organization for which the work will be done:**

Chad Zimmerman, Editor

Oxford University Press

198 Madison Avenue

New York, NY 10016

Phone: 212.726.6481

Fax: 212.726.6494

**4) The estimated time to be devoted to the activity (Please indicate exact dates if known.)**

Beginning in April 2013, approximately 10-20% time (taken as leave without pay, e.g., 1-2 days a pay period), for up to a 2 year period to complete the main portion of the research and writing.

**5) Whether the service will be performed entirely outside of normal duty hours (yes or no)**

Yes.

**6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.); actual expenses for meeting-related travel, no honorarium or other compensation**

Compensation would be in the form of a standard book contract (i.e., a set percentage of royalties depending on sales)

**7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered—if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.)**

There are no assistance agreements or contracts held by Oxford University Press

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1) **EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that ~~I have provided all the information pertinent for the Deputy Ethics Official to make an informed~~ decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

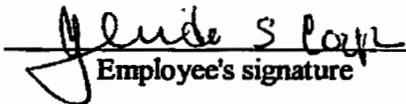
e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position.*

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

  
Employee's signature

Mar 12, 2013  
Date

2) **DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL \_\_\_\_\_

\_\_\_\_\_  
Date

DISAPPROVAL \_\_\_\_\_

\_\_\_\_\_  
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Center for Environmental Assessment

*approved*  
*✓*  
*Sup. of DEO (Deborah Walsh)*  
*in memo leader only.*

*gsp 1/12/16*

OFFICE OF  
RESEARCH AND DEVELOPMENT

**DATE:** September 27, 2013

**SUBJECT:** Request for Approval to Engage in Outside Activity - preparing on-line continuing education courses for physicians on epidemiology and statistics

**FROM:** Glinda S. Cooper, PhD (8601P)

**TO:** Debra Walsh *Debra Walsh*  
Deputy Ethics Official (8601P)

**THRU:** Vincent Cogliano *Vincent Cogliano*  
Acting Director, IRIS (8601P)

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

- 1) Employee's name, title and grade: Glinda S. Cooper, Epidemiologist, GS-15.
- 2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected:

To prepare on-line continuing education courses for physicians covering topics relating to epidemiology of autoimmune diseases and general understanding of epidemiology and statistics.

Compensation would be in the form of royalties based on the purchase of each course (\$2.00 to \$6.00 per course per student)

**3) The name and business of the person or organization for which the work will be done:**

Tom Tahan, President and CEO  
Opus Medicus, Inc  
8837 Villa La Jolla Drive #12086  
La Jolla, CA 92039  
Phone: 855-771-0469 (mainline); direct line 855-792-7963

**4) The estimated time to be devoted to the activity (Please indicate exact dates if known.)**

Beginning in October, 2013, approximately 4 hours per week (during weekends or other off duty hours), for up to a 1 year period to complete the series of courses.

**5) Whether the service will be performed entirely outside of normal duty hours (yes or no)**

Yes.

**6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.); actual expenses for meeting-related travel, no honorarium or other compensation**

Compensation would be in the form of royalties based on the purchase of each course (\$2.00 to \$6.00 per course per student)

**7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered—if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.)**

There are no assistance agreements or contracts held by Opus MedicusOxford University Press

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

**1) EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position.*

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

  
Employee's signature

27 Sept 2013  
Date

**2) DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL \_\_\_\_\_

\_\_\_\_\_  
Date

DISAPPROVAL \_\_\_\_\_

\_\_\_\_\_  
Date

**MEMORANDUM**

**DATE:** June 9, 2006

**SUBJECT:** Request for Permission to Engage in Outside Employment or Other Activities

**FROM:** *Exemption 6*  
Manager, P2 Program

**TO:** Deputy Ethics Official

This will be to request permission to engage in a number on employment possibilities and professional society activities.

1. I am now considering starting back to give Flight Instruction, most likely through the *exemption 6* and local flight schools. I had previously had received approval for this but have been inactive for a number of years. I had requested this last year but the request must have been misplaced. See attached November 15, 2005 memo.
2. I will be looking into the possibility of taking on a position as an adjunct professor at a local college or university. I may try to develop a course in environmental science or other related field.
3. I have been contacted about taking on a leadership role in the Georgia Section of American Society of Civil Engineers and their Environmental Technical Group (ETG). Since this is a professional organization, I may not need permission but I thought I would ask.
4. I am also considering applying for a position on the *ELC* Planning Commission. I had received permission to do this a while ago but was not selected for the commission at that time.

The reasons for all these different requests is that I am considering retirement next year and am in the process of determining what activities and employment I might want to engage in after I retire.

from "representing as agent or attorney or otherwise, a party in a proceeding, an application, request for a ruling or other determination in which the United States is a party or has a direct and substantial interest."

Based on the statements in your request for outside employment, and subject to the conditions and limitations set forth above, it is my opinion that your proposed membership on the ~~Exempt~~ <sup>6</sup> Planning Commission does not violate the Hatch Act Amendments of 1993 or the Standards of Ethical Conduct.

### Conclusion

Subject to the conditions and limitations discussed herein regarding the scope of your proposed activities, I am hereby approving your request to engage in the aforementioned outside employment activities. If there is a change or error in the above-stated factual information concerning your outside activities, or if you have any questions, please contact Richard Glaze of the Region 4 Ethics Team at (404) 562-9554.

cc: Jewell Harper

Expired 2008



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL HEALTH AND ENVIRONMENTAL EFFECTS  
RESEARCH LABORATORY  
WESTERN ECOLOGY DIVISION  
200 S.W. 35TH STREET, CORVALLIS, OR. 97333

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: August 27, 2008

SUBJ: Request for Approval to Engage in Outside Employment\* or Other Outside Activity  
FROM: *ETG* Ph.D., Director, WED *ETG*  
TO: Hal Zenick, Director, NHEERL  
THRU: Steven Hedtke, ADE, NHEERL *SH*

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and SS 6401.102.

- 1) Employee's name, title and grade: *ETG* Director, Western Ecology Division, NHEERL (SES)
- 2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation\*\* to be expected: Team teach an undergraduate level course "Systems Analysis and Modeling" at *EXG* University. No compensation will be received or requested.
- 3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months): Biological and Ecological Engineering Department
- 4) The estimated time to be devoted to the activity: The class is taught in the Fall semester for 10 weeks and meets three times a week for one hour. I will NOT be involved with or attend all 30 of these sessions but reasonably expect to attend and teach at a maximum between 5 and 10 of the sessions.
- 5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71): The class is currently scheduled at 2PM, MWF. I am on a maxiflex schedule so I will adjust my office hours to teach the class, as well as provide a full time work effort for the Federal government.
- 6) The basis for compensation (e.g., fee, per diem, per annum, etc.): there is no compensation

- 7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided: 246 : Chair of the Biological and Ecological Engineering Department currently is an "expert" hired by Rick Linthurst (National Program Director for Ecological Research) and duty stationed at the Western Ecology Division. Including me, 246 is one of the three teachers (the other 246 246 who is not associated with 246 or any other entity).

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\* Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

EMPLOYEE CERTIFICATION

- a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.
- b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and § 6401.102:
- c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity.
- d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.
- e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biographical details.

For teaching, speaking or writing, also include the following certifications:

- f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position.*
- g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties. **Note: Even though Dr. *XX* is duty stationed at WED, I do not evaluate his performance.**
- h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency
- i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US

*EX 6*

Employee's Signature

*8/27/08*  
Date

DEPUTY ETHICS OFFICIAL APPROVAL

APPROVED   *X*   DISAPPROVED           

*H. Z...*  
Signature

*08/29/08*  
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL HEALTH AND ENVIRONMENTAL EFFECT  
RESEARCH LABORATORY  
WESTERN ECOLOGY DIVISION  
200 S.W. 35<sup>TH</sup> STREET, CORVALLIS, OR. 97333

OFFICE OF  
RESEARCH AND DEVELOPMENT  
DATE: May 18, 2006

**SUBJECT:** Request for Approval to Participate in a Scientific or Other Professional Activity as Official Duty

**FROM:** ELG Ecologist ELG  
Aquatic Monitoring and Bioassessment Branch

**THRU:** Roger Blair  
Branch Chief R Blair 05/19/06

Kathy McBride  
WED Ethics Advisor Kathy McBride

**TO:** Thomas D. Fontaine, PhD  
Deputy Ethics Official

Consistent with EPA's current policy (memo by former Administrator Lee M. Thomas, dated November 26, 1986) which encourages employees to assume leadership roles in job-related professional societies and associations, I am requesting your approval to participate in the professional activity described below as part of my official duty.

- 1) Name, title and grade: ELG Ecologist and grade 14;
- 2) Position or office to be served, including a full description of the services to be performed:  
Participate in the Northwest Estuary Science Committee being established by The Nature Conservancy and  
Exemption 6 Charter for the committee is attached.
- 3) The name and address of the organization to be served; providing details on the purpose of the organization:  
The point of contact for the invitation to participate was  
Exemption 6
- 4) Is this organization a non-profit or not-for-profit organization? Not-for-profit
- 5) Does this organization have advocacy or financial interests which may be affected by EPA decisions? If so, what is your role in these decisions?  
ELG has the potential to have advocacy interests in EPA decisions. I would have no role in these decisions because in my position as an ecologist, I do not set policy for EPA.
- 6) The term and dates of service/office:  
The term is four years beginning in June 2006.
- 7) The estimated amount of duty hours to be devoted to the activity, including the estimated amount of excused leave requested to participate in this activity:  
The ELG estimates that the science committee will have two one-day meetings per year in Seattle, Washington. Individual committee members may be asked for additional assistance between meetings. Such communications would be voluntary and limited to roughly 12 hours per year.

8) Describe EPA facilities, equipment, supplies and other resources which will be used in the conduct of this activity; Computer and email, phone and fax, and, rarely, in-bound and out-bound mail.

9) Is this organization currently the recipient of an EPA assistance agreement or an EPA contractor? If so, please provide details.

According to the EPA grants information query system ([http://www.epa.gov/enviro/html/gics/gics\\_query.html](http://www.epa.gov/enviro/html/gics/gics_query.html)) there are six assistance agreements between ESA and *ex 6*. A listing of the agreements is attached. Additional details are not available on the web page that lists these agreements. In none of these cases was I a reviewer, project officer or decision official on the agreement. In addition, the Washington Field Office of *ex 6* is not a party to any of the existing agreements. A search of the contracts database (<http://www.epa.gov/oamrfp12/ptod/ek1rpt.pdf>) identifies no contracts between EPA and *ex 6*.

10) Describe the facilities, equipment, supplies and other resources which will be provided by the scientific or professional organization in the conduct of this activity;

The: *ex 6* will provide the facilities and support associated with the meetings and associated field trips.

11) Will the conduct of this activity require that you attend and participate in business/organizational meetings of this organization? NO If so, estimate the amount of time required and the frequency of these meetings.

12) Will the conduct of the activity require that you represent this organization before any Federal Agencies? NO If so, please describe your role in doing so.

13) Will the organization be providing travel expenses to EPA in association with the conduct of this activity? If so, please describe.

Yes, The *ex 6* will provide travel support for attending meetings in Seattle. This compensation will be requested in consultation with EPA ethics officials to ensure that rules applicable during the term of service are scrupulously adhered to.

14) Per EPA Ethics Advisory 97-12, employee participation as a member of an editorial board of publication on behalf of professional societies, universities, or other non-profit organizations is typically undertaken as an outside activity. If your request is for this type of participation, please provide a written justification to support undertaking such activity as a part of your official duties. Include impact on resources such as your time and the effect it may have on your programmatic responsibilities. Also include a discussion of the methods used to ensure there was no favoritism involved in the decision to participate in this activity.

A justification is not required for the type of participation for which I am requesting approval. I did want to comment that one of the major reason that I would like to participate in the Science Committee is that it is part of a regional effort that will include the monitoring and assessment of wetlands. Being part of the Science Committee would be beneficial to EPA because I would be in the position to hear from experts in the field in an application of monitoring and assessment that is of great interest to the states and EPA—restoration. Participation in this regional effort could be very valuable relative to ongoing regional and watershed-level assessments and the planning for the national wetland survey.

EMPLOYEE CERTIFICATION

- a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.
- b) I certify that I have read, am familiar with, and will abide by the restrictions described in EPA Ethics Advisories 89-19, 92-04 and 97-12.
- c) I certify that I am providing the services described above to promote and enhance the role of EPA in accomplishing its mission.
- d) I certify that in accordance with EPA's policy on participation in professional job-related organizations, I will only use reasonable amounts of official duty time, Government property, resources, and facilities in connection with this activity.
- e) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.
- f) I certify that the conduct of this activity does not present a conflict of interest with the performance of my official duties.
- g) I certify that because I am requesting to perform this activity as part of my official duty using EPA resources and during official duty hours, I will not accept any form of compensation other than my Federal salary for the conduct of this activity.
- h) I certify that I will not participate in any EPA matter which specifically involves this organization.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

  
 \_\_\_\_\_  
 Employee's Signature

\_\_\_\_\_  
 5/18/06  
 Date

EMPLOYEE SUPERVISOR CERTIFICATION

I certify that, in accordance with current guidance from the EPA Office of General Counsel, I have reviewed the resource requirements for this activity and that use of official time is justified and in the best interests of the Environmental Protection Agency. Participation in this activity has been added to the employee's performance plan.

  
 \_\_\_\_\_  
 Supervisor's Signature

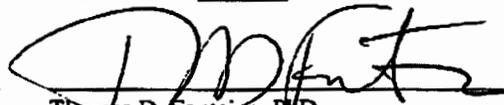
\_\_\_\_\_  
 5/19/06  
 Date

DEPUTY ETHICS OFFICIAL APPROVAL

CONCUR: \_\_\_\_\_ NON-CONCUR: \_\_\_\_\_ APPROVED \_\_\_\_\_ DISAPPROVED \_\_\_\_\_

  
 \_\_\_\_\_  
 Kathy McBride  
 WED Ethics Advisor

\_\_\_\_\_  
 6/7/06  
 Date

  
 \_\_\_\_\_  
 Thomas D. Fontaine, PMD  
 WED Deputy Ethics Official

\_\_\_\_\_  
 6/7/06  
 Date

U.S. Environmental Protection Agency  
Office of Water  
Washington, DC

December 9, 2013

MEMORANDUM

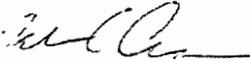
SUBJECT: Request for Approval for Outside Employment as a Volunteer for the

EX 6

FROM: EX 6 Acting Chief  
Sustainable Management Branch

EX 6

THRU: William Anderson, Acting Director  
Municipal Support Division



TO: Sheila Frace, Deputy Director  
Office of Wastewater Management

I am submitting a request (5 CFR 6401.103) for my work as a volunteer for the

EX 6

I am requesting approval, under the provisions of 5 CFR 6401.103(b).

(1) Employee's name, title and grade - EX 6, Attorney, GS-15.

(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected - The Lawyer Assistance Program is a service of the EX 6 State Bar which provides confidential assistance to EX 6 lawyers to help them identify and address problems with alcoholism, other drug addictions and mental health disorders. Most of the work is performed by volunteers to EX 6 clients in a mentoring relationship and/or sharing their story. I will not perform work that may present a conflict of interest with regard to my position as an attorney for the United States, including public benefits, income maintenance, and health law.

(3) The name and business of the person or organization for which the work will be done - EX 6 State Bar.

(4) The estimated time to be devoted to the activity - estimate 50 hours per year.

(5) Whether the service will be performed entirely outside of normal duty hours - I will take annual leave for all work performed during duty hours.

(6) No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

(7) The basis for compensation – none.

(8) I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102.

(9) Identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided – Upon searching IGMS, I am not aware of any EPA assistance agreements or contracts to the ~~the~~ State Bar.

I believe this activity is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and §6401.102. If approved, the approval will be for five years.

Please let me know if you have any questions regarding this matter.

Shirley E. Trace Approved

~~\_\_\_\_\_~~ Denied

Date 12/16/13

U.S. Environmental Protection Agency  
Office of Water  
Washington, DC

January 28, 2013

MEMORANDUM

SUBJECT: Request for Approval for Outside Employment as a Volunteer for the  
          **EX 6**

FROM:       **EX 6**        Acting Chief        **EX 6**  
              Sustainable Management Branch

THRU:        William Anderson, Acting Director        *William Anderson 1/27/14*  
              Municipal Support Division

TO:            Sheila Frace, Deputy Director  
              Office of Wastewater Management

**EX 6** I am submitting a request (5 CFR 6401.103) for my work as a volunteer for the

I am requesting approval under the provisions of 5 CFR 6401.103(b).

- (1) Employee's name, title and grade – **EX 6** Attorney, GS-15.
- (2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected – The Lawyer Assistance Program is a service of the **EX 6** State Bar which provides confidential assistance to **EX 6** lawyers to help them identify and address problems with alcoholism, other drug addictions and mental health disorders. Most of the work is performed by volunteers to **EX 6** clients in a mentoring relationship and/or sharing their story. I will not perform work that may present a conflict of interest with regard to my position as an attorney for the United States, including public benefits, income maintenance, and health law.
- (3) The name and business of the person or organization for which the work will be done – **EX 6** State Bar.
- (4) The estimated time to be devoted to the activity – estimate 50 hours per year.
- (5) Whether the service will be performed entirely outside of normal duty hours – I will take annual leave for all work performed during duty hours

(6) No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

(7) The basis for compensation – none.

(8) I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102.

(9) Identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided – Upon searching IGMS, I am not aware of any EPA assistance agreements or contracts to the WV State Bar.

I believe this activity is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and §6401.102. If approved, the approval will be for five years.

Please let me know if you have any questions regarding this matter.

Shirley E. Stone Approved

\_\_\_\_\_ Denied

Date 01/30/14

DATE: April 10, 2013  
FROM: **EX 6**  
Environmental Scientist, Rural Branch  
THROUGH: Allison Wiedeman  
Chief, Rural Branch  
TO: Sheila Frace  
Deputy Ethics Official, Office of Wastewater Management  
SUBJECT: Request for Approval for Outside Activity (Uncompensated)

This is a request for approval for outside activity, in accordance with the requirements of 5 CFR § 6401.103.

1) Employee name, title and grade:

**EX 6** Environmental Scientist, GS-15

2) The nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:

Pro bono work as an attorney with the **EX 6** Pro Bono Program Advocacy and Justice Clinic. Services include legal advice and representation for indigent clients, including matters relating to housing, such as landlord-tenant; family law issues, such as child custody and support; personal injury claims; public benefits (non-federal) and consumer protection. I can provide information concerning individual cases assigned to me, upon request. This work will be uncompensated.

3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next six months):

**EXEMPTION 6**

4) The estimated time to be devoted to the activity:

Estimated 5 to 15 hours per week, depending on the status of a particular matter and my availability.

5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required):

Most work to be done outside normal duty hours; i.e., evenings, weekends, compressed work days, and furlough time. Some services, for example a court appearance, may require time during normal working hours, for which leave will be taken, as necessary. This would be intermittent, however, and not likely to exceed approximately 8 hours in any given month.

- 6) A statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment:

No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment, except as in accordance with EPA's policy on limited personal use of government office equipment or as otherwise approved by EPA ethics officials.

- 7) The basis for compensation (e.g., fee, per diem, per annum, etc.):

No compensation to be provided.

- 8) A statement that the employee has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations):

I have read, am familiar with, and will abide by the restrictions established in the above-referenced provisions, as well as other relevant ethical restrictions associated with my employment at EPA.

- 9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

None. I will decline representation of any client having an identified financial interest with EPA or with a material interest in matters before the Agency.

**Frace, Sheila**

---

**From:** Frace, Sheila  
**Sent:** Wednesday, April 17, 2013 9:01 AM  
**To:** *EXB* Wiedeman, Allison  
**Cc:** Keith, Jennie  
**Subject:** Re: Request for Approval for Pro Bono activity - *EXB* Pro Bono Program

I approve.

---

**From:** *EXB*  
**Sent:** Tuesday, April 16, 2013 7:33:39 PM  
**To:** Wiedeman, Allison  
**Cc:** Frace, Sheila; Keith, Jennie  
**Subject:** RE: Request for Approval for Pro Bono activity - DC BAR Pro Bono Program

Hi Sheila,

It just occurred to me that Allison's email did not include the request I attached to the original email. Microsoft office automatically documents from forwards and replies. I will attach it to this email.

Time has become something of a factor in this. I was in training last week and *EXB* has referred a case to me (and another attorney). I am getting concerned about proceeding further without approval. I am supposed to meet with my prospective client tomorrow evening and then file my appearance in the case with the Superior Court in the next day or so.

If you have any concerns about approving this, please let me know, so that I can take the appropriate steps to turn this over to someone else.

Thanks.

*EXB*

Water Permits Division (MC-4203M)  
U.S. EPA, 1200 Pennsylvania Avenue, NW,  
Washington, DC 20460-0001  
(202) 564-0744 / Fax (202) 564-6384

**From:** Wiedeman, Allison  
**Sent:** Monday, April 15, 2013 12:43 PM  
**To:**  
**Cc:** Frace, Sheila; Keith, Jennie  
**Subject:** RE: Request for Approval for Pro Bono activity - DC BAR Pro Bono Program

Sheila - I have approved of this effort for *EXB*. As I understand it, he needs your approval as Deputy Ethics Official. Thanks

**From:** *EXB*  
**Sent:** Monday, April 15, 2013 11:53 AM  
**To:** Wiedeman, Allison

Cc: Frace, Sheila; Keith, Jennie

Subject: RE: Request for Approval for Pro Bono activity - ~~EX B~~ Pro Bono Program

Hi Allison,

Here's a slightly revised version of the original request, updated to clarify the name of the service and the nature of the outside activity to be included as part of the work with the ~~EX B~~ Pro Bono Program Advocacy and Justice Clinic (which is a joint venture between DOJ and the ~~EX B~~).

From: ~~EX B~~

Sent: Wednesday, April 10, 2013 2:53 PM

To: Wiedeman, Allison

Cc: Frace, Sheila; Keith, Jennie

Subject: Request for Approval for Pro Bono activity ~~EX B~~ Pro Bono Program

Allison,

Attached is my request for approval for pro bono activity with the ~~EX B~~ Bar Pro Bono program.

Allison, approval is required by Sheila, as Deputy Ethics Official, if you agree to my request. If you do, please forward this to Sheila, so that she can approve it. I am cc'ing Jennie Keith, because she is the EPA ethics officer who I believe is most directly involved in attorney pro bono work at this time, and may have an interest in this request.

EPA's policy is to handle requests for outside activity as general approvals, rather than on a case-by-case basis. However, as noted in the agreement, I can make information available on individual matters, on request. Also, if I have any concerns about federal interests in a case, I will ask ~~EX B~~ at DOJ to screen the case.

If any of you have revisions you would like made to the request, please let me know and I will be happy to make them.

I have training scheduled this week, and I anticipate having a case with a client by next week, so this is sort of a last-minute request, I'm sorry to say. I will try to avoid time-sensitive requests in the future.

In addition, I anticipate that I will be submitting another request in another week or so, for some other work I intend to be doing (preparing wills for indigent clients).

Thanks to all of you.

~~EX B~~

~~EX B~~

Water Permits Division, OWM  
Mail Code 4203M, ICC Room 7146A  
U.S. EPA, 1200 Pennsylvania Avenue, NW,  
Washington, DC 20460-0001  
(202) 564-0744 / Fax (202) 564-6392



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
WATER

November 13, 2012

MEMORANDUM

SUBJECT: Request for Approval for Outside Employment as a Pro Bono Attorney for  
*EX 6*

FROM: *EX 6*, Acting Chief  
Sustainable Management Branch *EX 6*

THRU: William Anderson, Acting Director *William Anderson*  
Municipal Support Division

TO: Sheila Frace, Acting Deputy Director  
Office of Wastewater Management

*EX 6*: I am submitting a request (5 CFR 6401.103) for my work as a Pro Bono attorney for  
*EX 6*: I previously had approval for similar work for *EX 6*  
which ceased operation early in 2012.

I am requesting approval, under the provisions of 5 CFR 6401.103(b).

(1) Employee's name, title and grade - *EX 6* attorney, GS-15.

(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected – Providing pro bono opportunities for members of the private bar and government attorneys is an important element of *EX 6*'s service delivery model. Volunteers assist us with the direct legal representation of low-income clients and by providing legal information in a court-based resource center in Small Claims Cour. *EX 6* also uses volunteers to conduct community legal education and outreach to residents in the neighborhoods we service. Priorities for client service are defined by the low-income communities *EX 6* serves. Historically, this has resulted in a concentration of cases in the housing/landlord-tenant, family law and income maintenance areas. I will not perform work that may present a conflict of interest with regard to my position as an attorney for the United States, including public benefits, income maintenance, and health law.

(3) The name and business of the person or organization for which the work will be done –

Exb

(4) The estimated time to be devoted to the activity – 50 hours per year.

(5) Whether the service will be performed entirely outside of normal duty hours – I take annual leave for all work performed during duty hours.

(6) No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

(7) The basis for compensation – none.

(8) I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102.

(9) Identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided – I am not aware of any EPA assistance agreements or contracts to the Neighborhood Legal Services Program.

The Exb is one of the programs that is an active participant in the Department of Justice's Pro Bono program. I believe this activity is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and §6401.102. If approved, the approval will be for five years.

Please let me know if you have any questions regarding this matter.

Sheila E. Jones Approved

\_\_\_\_\_ Denied

Date: 11/13/12

---

U.S. Environmental Protection Agency  
Office of Water  
Washington, DC

November 25, 2013

MEMORANDUM

SUBJECT: Request for Approval for Outside Employment as a Pro Bono Attorney for  
the ~~EX~~ Bar Advice and Referral Clinic ~~EX~~ b

FROM: ~~EX~~ b Acting Chief  
Sustainable Management Branch ~~EX~~ b

THRU: William Anderson, Acting Director   
Municipal Support Division

TO: Sheila Frace, Deputy Director  
Office of Wastewater Management

~~EX~~ b I am submitting a request (5 CFR 6401.103) for my work as a Pro Bono attorney for the  
~~EX~~ b Bar ~~EX~~ b I previously had approval for similar work for ~~EX~~ b  
~~EX~~ b which ceased operation early in 2012.

I am requesting approval, under the provisions of 5 CFR 6401.103(b).

(1) Employee's name, title and grade - ~~EX~~ b . Attorney, GS-15.

(2) Nature of the outside activity, including a full description of the services to be performed and  
the amount of compensation expected - The Department of Justice Pro Bono program, as well as  
~~EX~~ b firms and NGOs partner to provide pro bono walk in legal services monthly on a Saturday;  
this is "civil street law." EPA's pro bono coordinator in OGC is soliciting volunteers from EPA  
and I have tossed my hat into the ring. I will not perform work that may present a conflict of  
interest with regard to my position as an attorney for the United States, including public benefits,  
income maintenance, and health law.

(3) The name and business of the person or organization for which the work will be done - ~~EX~~ b

(4) The estimated time to be devoted to the activity - 20 hours per year.

(5) Whether the service will be performed entirely outside of normal duty hours – I will take annual leave for all work performed during duty hours.

(6) No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

(7) The basis for compensation – none.

(8) I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102.

(9) Identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided – Upon searching IGMS, I am not aware of any EPA assistance agreements or contracts to the DC Bar.

The Pro Bono one of the programs that is an active participant in the Department of Justice's Pro Bono program. I believe this activity is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and §6401.102. If approved, the approval will be for five years.

Please let me know if you have any questions regarding this matter.

✓ Approved

\_\_\_\_\_ Denied

Date 11/25/13

Shonda E. Justice

---

U.S. Environmental Protection Agency  
Office of Water  
Washington, DC

November 25, 2013

MEMORANDUM

SUBJECT: Request for Approval for Outside Employment as a Practice Volunteer for the ~~EXB~~ Lawyer Assistance Program

FROM: ~~EXB~~, Acting Chief  
Sustainable Management Branch ~~EXB~~

THRU: William Anderson, Acting Director   
Municipal Support Division

TO: Sheila Frace, Deputy Director   
Office of Wastewater Management

I am submitting a request (5 CFR 6401.103) for my work as a practice volunteer for the ~~EXB~~ Bar ~~EXB~~

I am requesting approval, under the provisions of 5 CFR 6401.103(b).

- (1) Employee's name, title and grade – ~~EXB~~ Attorney, GS-15.
- (2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected – The ~~EXB~~ is a free, confidential program for lawyers, judges, and law students who are experiencing problems, such as addiction, mental health symptoms, or stress, which interfere with their personal or professional lives; it has a strong volunteer component which allows lawyers who have faced similar problems and have overcome them to offer their guidance and assistance to ~~EXB~~ clients in a mentoring relationship and/or sharing their story. I will not perform work that may present a conflict of interest with regard to my position as an attorney for the United States, including public benefits, income maintenance, and health law.
- (3) The name and business of the person or organization for which the work will be done  
~~EXB~~
- (4) The estimated time to be devoted to the activity – estimate 50 hours per year.
- (5) Whether the service will be performed entirely outside of normal duty hours – I will take annual leave for all work performed during duty hours.

(6) No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

(7) The basis for compensation – none.

(8) I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102.

(9) Identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided – Upon searching IGMS, I am not aware of any EPA assistance agreements or contracts to the ~~of~~ Bar.

The ~~of~~ one of the programs that is an active participant in the Department of Justice's Pro Bono program. I believe this activity is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and §6401.102. If approved, the approval will be for five years.

Please let me know if you have any questions regarding this matter.

✓ Approved

\_\_\_\_\_ Denied

Date 11/25/13

Shelia E. Jones



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON D C 20460

MEMORANDUM

SUBJECT: Request for Approval for Outside Employment as an Election Judge in  
EX 6

FROM: EX 6 Attorney, EX 6  
State and Regional Branch

THRU: Tom Lavery, Chief  
State and Regional Branch *Tom Lavery*

TO: Randolph L. Hill, Acting Director  
Office of Wastewater Management

In review of my annual ethics form, you have suggested I submit a request (5 CFR 6401.103) for my work as an election judge in EX 6

I am requesting approval, under the provisions of 5 CFR 6401.103(b).

- (1) Employee's name, title and grade - EX 6 Attorney, GS-15;
- (2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected - Work as a voting operations unit judge for the Board of Elections. Involves set-up and closure of polls, checking voters in, directing voters to machines. Compensation is ~ EX 6 per year (generally, but not limited to even years) for training, primary and general election;
- (3) The name and business of the person or organization for which the work will be done - EX 6
- (4) The estimated time to be devoted to the activity - 35 - 40 hours per election cycle;
- (5) Whether the service will be performed entirely outside of normal duty hours - I take annual leave for both primary and general election day; other work is not during work hours;

(6) No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;

(7) The basis for compensation - fee;

(8) I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102; and

(9) Identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided - I am not aware of any EPA assistance agreements or contracts to either the EXB Board of Elections.

I believe this activity is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and §6401.102. If approved, the approval will be for given for five years.

Please let me know if you have any questions regarding this matter.

 Approved

\_\_\_\_\_ Denied

Date: 6/6/12

---



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
WATER

September 15, 2011

MEMORANDUM

SUBJECT: Request for Continuation of Approval -- Provision of Pro Bono Legal Services for *EX 6*

FROM: *EX 6* Attorney *EX 6*  
Water Permits Division Office (4203M)

TO: Randolph L. Hill, Deputy Director  
Office of Wastewater Management (4201M)

I would like to continue taking advantage of opportunities provided through the Department of Justice's Interagency Pro Bono Workgroup for pro bono legal work. This request is consistent with the written guidance of the Office of General Counsel Ethics staff. The organization I am submitting this request for is *EX 6* works closely with adult and teen survivors of relationship violence and abuse, providing an innovative range of legal, counseling, economic and educational services that leads survivors to utilize their inner and community resources, achieve safety for themselves and their children and live empowered lives.

I am seeking approval to perform pro bono legal services for *EX 6*. This request is being submitted in accordance with 5 CFR Part 6401. I received approval of this activity on November 11, 2008, from Michael B. Shapiro, who was my Deputy Agency Ethics Officer at the time (copy attached).

Name, title and grade: *EX 6* Attorney, GS-15

Nature of activity: I will be providing pro bono legal services to *EX 6* clients. I will not receive compensation for this work.

Organization: Please see above.

Estimated time: At this time, I am submitting a request to staff \* *EX 6* Free Walk-In Legal Advice and Information Clinics. *EX 6* sts walk-in legal advice and

information clinics at multiple times and locations around the city. Trained pro bono attorneys staff the clinics in shifts and provide individualized advice for ~~supervisors~~ <sup>EX 6</sup> in civil protection order, family law, and immigration matters. (An experienced attorney is also present to answer questions and provide supervision.) I recognize I cannot address issues regarding immigration matters (as the U.S. is a party) and may not be able to provide advice on certain civil protection orders if there is a criminal aspect (as the U.S. Attorney's office will be involved). I project this will not require more than 40 hours per year. I will certainly supplement this request, as needed, as to time involved and scope of work. In 2009, I provided 12 hours of service and in 2010 I provided 10 hours of service. To date in 2011, I have provided 15 hours.

Time for performance of activity: I project all of this work will be performed outside of normal work hours. I will take annual leave, if needed, to perform work which otherwise needs to be performed during work hours.

No official duty time or Government property, resources, or facilities, consistent with EPA's de minimus policy, not available to the general public will be used in connection with this outside activity.

I have read and am familiar with and will abide with the requirements of 5 CFR Parts 2635 and 6401.103.

I will not be providing pro bono services to any person who is doing business with EPA or the United States, such as any person who has an EPA assistance agreement or contract. 5 CFR Part 6401.103 (1-9). I will not represent a client in any matter before the United States. I am aware I need to renew this request annually.

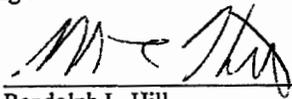
I will be happy to provide you any additional information or discuss this matter with you.

Attachment

cc: Justina Fugh

*6/17/11  
Per our discussion, this approval may remain in effect for up to 5 years unless the circumstances of this outside activity changes*

Approved:

  
Randolph L. Hill

9/15/11  
Date

Denied:

\_\_\_\_\_  
Randolph L. Hill

\_\_\_\_\_  
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

copy to  
Kane, 9/1/16  
w/ note on  
renewal

OCT 27 2008

OFFICE OF  
WATER

MEMORANDUM

SUBJECT: Request for Approval -- Provision of Pro Bono Legal Services for **EX 6**

FROM: **EX 6** Attorney **EX 6**  
American Indian Environmental Office (4104M)

THRU: Jeff Besougloff, Associate Director  
Tribal Law, Policy, Partnerships & Information Staff (4104M)

TO: Michael H. Shapiro  
Deputy Assistant Administrator for Water (4101M)

I am taking advantage of opportunities provided through the Department of Justice's Interagency Pro Bono Workgroup and EPA's Pro Bono coordinator to do some pro bono legal work. This request is consistent with the written guidance of the Office of General Counsel Ethics staff. The ~~organization~~ **EX 6** I am submitting this request for is works closely with adult and teen survivors of relationship violence and abuse, providing an innovative range of legal, counseling, economic and educational services that leads survivors to utilize their inner and community resources, achieve safety for themselves and their children and live empowered lives.

I am seeking approval to perform pro bono legal services for **EX 6**. This request is being submitted in accordance with 5 CFR Part 6401.

Name, title and grade: **EX 6** Attorney, GS-15

Nature of activity: I will be providing pro bono legal services to **EX 6** clients. I will not receive compensation for this work.

Organization: Please see above.

Estimated time: At this time, I am submitting a request to staff <sup>EXB</sup>'s Free Walk-In Legal Advice and Information Clinics. <sup>EXB</sup> hosts walk-in legal advice and information clinics at multiple times and locations around the city. Trained pro bono attorneys (this will include me after I finish my training) staff the clinics in shifts and provide individualized advice for survivors in civil protection order, family law, and immigration matters. (An experienced <sup>EXB</sup> attorney is also present to answer questions and provide supervision.) I recognize I cannot address issues regarding immigration matters (as the U.S. is a party) and may not be able to provide advice on certain civil protection orders if there is a criminal aspect (as the U.S. Attorney's office will be involved). I project this will not require more than 40 hours per year. I will certainly supplement this request, as needed, as to time involved and scope of work.

Time for performance of activity: I project all of this work will be performed outside of normal work hours. I will take annual leave, if needed, to perform work which otherwise needs to be performed during work hours.

No official duty time or Government property, resources, or facilities, consistent with EPA's de minimus policy, not available to the general public will be used in connection with this outside activity.

I have read and am familiar with and will abide with the requirements of 5 CFR Parts 2635 and 6401.103.

I will not be providing pro bono services to any person who is doing business with EPA or the United States, such as any person who has an EPA assistance agreement or contract. 5 CFR Part 6401.103 (1 - 9).

I will be happy to provide you any additional information or discuss this matter with you.

cc: Peggy Love

Approved: Michael H. Shapiro  
Michael H. Shapiro

11/7/08  
Date

Denied: \_\_\_\_\_  
Michael H. Shapiro

\_\_\_\_\_  
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

9/11/11

OCT 27 2008

Re: -  
As requested.  
I will get renewed  
memo to <sup>OFFICE OF</sup> you  
WATER  
in the next  
couple of days.  
Thank  
[Signature]

MEMORANDUM

SUBJECT: Request for Approval -- Provision of Pro Bono Legal Services for <sup>EX 6</sup>  
FROM: <sup>EX 6</sup> Attorney <sup>EX 6</sup>  
American Indian Environmental Office (4104M)  
THRU: Jeff Besougloff, Associate Director  
Tribal Law, Policy, Partnerships & Information Staff (4104M)  
TO: Michael H. Shapiro  
Deputy Assistant Administrator for Water (4101M)

I am taking advantage of opportunities provided through the Department of Justice's Interagency Pro Bono Workgroup and EPA's Pro Bono coordinator to do some pro bono legal work. This request is consistent with the written guidance of the Office of <sup>EX 6</sup> General Counsel Ethics staff. The organization I am submitting this request for is <sup>EX 6</sup> works closely with adult and teen survivors of relationship violence and abuse, providing an innovative range of legal, counseling, economic and educational services that leads survivors to utilize their inner and community resources, achieve safety for themselves and their children and live empowered lives.

I am seeking approval to perform pro bono legal services for <sup>EX 6</sup> This request is being submitted in accordance with 5 CFR Part 6401.

Name, title and grade <sup>EX 6</sup>, Attorney, GS-15

Nature of activity: I will be providing pro bono legal services to <sup>EX 6</sup> clients. I will not receive compensation for this work.

Organization: Please see above.

Estimated time: At this time, I am submitting a request to staff EX 6 ; Free Walk-In Legal Advice and Information Clinics. EX 6 hosts walk-in legal advice and information clinics at multiple times and locations around the city. Trained pro bono attorneys (this will include me after I finish my training) staff the clinics in shifts and provide individualized advice for survivors in civil protection order, family law, and immigration matters. (An experienced EX 6 attorney is also present to answer questions and provide supervision.) I recognize I cannot address issues regarding immigration matters (as the U.S. is a party) and may not be able to provide advice on certain civil protection orders if there is a criminal aspect (as the U.S. Attorney's office will be involved). I project this will not require more than 40 hours per year. I will certainly supplement this request, as needed, as to time involved and scope of work.

Time for performance of activity: I project all of this work will be performed outside of normal work hours. I will take annual leave, if needed, to perform work which otherwise needs to be performed during work hours.

No official duty time or Government property, resources, or facilities, consistent with EPA's de minimus policy, not available to the general public will be used in connection with this outside activity.

I have read and am familiar with and will abide with the requirements of 5 CFR Parts 2635 and 6401.103.

I will not be providing pro bono services to any person who is doing business with EPA or the United States, such as any person who has an EPA assistance agreement or contract. 5 CFR Part 6401.103 (1 - 9).

I will be happy to provide you any additional information or discuss this matter with you.

cc: Peggy Love

Approved: Michael H. Shapiro  
Michael H. Shapiro

11/7/08  
Date

Denied: \_\_\_\_\_  
Michael H. Shapiro

\_\_\_\_\_  
Date



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**NATIONAL HEALTH AND ENVIRONMENTAL EFFECTS**  
**RESEARCH LABORATORY**  
**WESTERN ECOLOGY DIVISION**  
**200 S.W. 35TH STREET, CORVALLIS, OR. 97333**

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: February 20, 2009

**SUBJ:** Request for Approval to Engage in Outside Employment\* or Other Outside Activity

**FROM:** EX 6, Research Plant Physiologist  
 (Name of Employee, Title)  
EEB  
 (Branch)

**TO:** Thomas D. Fontaine, PhD  
 Deputy Ethics Official

**THRU:** David Hammer  
 (Branch Chief)  
EEB Branch  
 (Branch)

*Handwritten: 02-21-09*

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and SS 6401.102.

- 1) Employee's name, title and grade:  
EX 6, Research Plant Physiologist, GS15-6
- 2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation\*\* to be expected:

EXEMPTION 6 Impacts of air pollution and climate change on forests – Multiple stressors and ecosystem services; a description can be found at:

exemption 6

The positions are volunteer but elected, with the purpose of fostering communication among international groups involved in Forestry Research. Responsibilities vary, but expected responsibilities include: Preparing and/or contributing to an electronic newsletter; Organizing scientific meetings; helping to maintain a website; publishing reports or books that result from section meetings; conducting study tours for scientists; conducting joint research projects; preparing or contributing to annual reports.

There is no compensation for these positions.

- 3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of

clients or customers anticipated during the next 6 months):

EXEMPTION 6

- 4) The estimated time to be devoted to the activity; (Please indicate exact dates if known):

**None. Responsibilities will be carried out on personal time.  
Effective 5-1-09; two term limit, 5 yrs per term. Will submit another request for 2<sup>nd</sup> term.**

- 5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71):

**Activities and responsibilities will be carried out entirely outside of normal duty hours.**

- 6) The basis for compensation (e.g., fee, per diem, per annum, etc.):

**No compensation provided. Periodically meetings are organized and Coordinators serve on the organizing committee and scientific committees. They are expected to attend the meetings if at all possible. In some instances partial travel reimbursement is provided, which is derived from registration fees.**

- 7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided:

**None**

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

EMPLOYEE CERTIFICATION

- a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.
- b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and § 6401.102;
- c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity.
- d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.
- e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

For teaching, speaking or writing, also include the following certifications:

- f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position*.
- g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.
- h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.
- i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

EXEMPTION b

Employee's Signature

4-21-09

Date

DEPUTY ETHICS OFFICIAL APPROVAL

APPROVED

DISAPPROVED

4/22/09  
XMC



Signature

4/23/09

Date



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 NATIONAL HEALTH AND ENVIRONMENTAL EFFECTS  
 RESEARCH LABORATORY  
 WESTERN ECOLOGY DIVISION  
 200 S.W. 35TH STREET, CORVALLIS, OR. 97333**

OFFICE OF  
 RESEARCH AND DEVELOPMENT

DATE: June 21, 2002

**SUBJ:** Request for Approval to Engage in Outside Employment\* or Other Outside Activity

**FROM:** EXEMPTION 6:  
 (Name of Employee, Title).  
TPEB  
 (Branch)

**TO:** Thomas D. Fontaine, PhD  
 Deputy Ethics Official

**THRU:** Robert Lackey  
 (Branch Chief)  
Acting TPEB Chief  
 (Branch)

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and SS 6401.102.

- 1) Employee's name, title and grade:  
EX. 6 Research Plant Physiologist, GS14-6
- 2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation\*\* to be expected:

EXEMPTION 6

The positions are volunteer but elected, with the purpose of fostering communication among international groups involved in Forestry Research.

Responsibilities vary, but expected responsibilities include: Preparing and/or contributing to an electronic newsletter; Organizing scientific meetings; maintaining a website; publishing reports or books that result from section meetings; conducting study tours for scientists; conducting joint research projects; preparing or contributing to annual reports.

There is no compensation for these positions.

- 3) The name and business of the person or organization for which the work will be done (in cases

of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):

EXEMPTION 6

- 4) The estimated time to be devoted to the activity; (Please indicate exact dates if known):

**Estimated to be less than 1 hr per week on average.  
Effective 6-1-02; two term limit, 5 yrs per term.**

- 5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71):

**It is anticipated that most of the activity will occur during normal duty hours, but some will occur on own personal time.**

- 6) The basis for compensation (e.g., fee, per diem, per annum, etc.):

**No compensation provided. Occasionally a meeting is organized and some travel reimbursement is provided for invited speakers and organizing committee. Funds for such a purpose are derived from registration fees.**

- 7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided:

**None**

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

INC: 1 2 24-377 18

4EAD

**MEMORANDUM**

**SUBJECT:** Approval of Outside Activity

**FROM:** Phyllis P. Harris, Deputy Ethics Official  
Environmental Accountability Division

A handwritten signature in black ink, appearing to read "Phyllis P. Harris", with a long horizontal line extending to the right.

**TO:** *ex 6* Associate Regional Counsel  
Office of CERCLA Legal Support, KY/NC/SC/TN  
Environmental Accountability Division

The purpose of this memorandum is to respond to your request, seeking administrative approval to engage in outside employment by providing legal services involving research and drafting briefs and pleadings. While one case you plan to work on involves environmental contamination of property, there is no state or federal involvement. You expect that this activity will involve less than 12 hours of work, which will be performed entirely outside of normal duty hours.

Generally, an employee may engage in outside employment or other outside activity subject to certain restrictions. See 5 C.F.R. § 2635 subparts A-H. (Standards of Ethical Conduct for Employees of the Executive Branch). Based on the factual information before me and the representations made in your request, I have determined that working self employed as an attorney providing legal services as you have requested is not expected to involve conduct prohibited by statute or Federal Regulation. Thus, I hereby approve your request to engage in outside employment providing the aforementioned services.

Please be advised of the following restrictions pursuant to 5 C.F.R. § 2635, which are relevant to your proposed outside employment. An EPA employee is prohibited from using Agency time and resources during official work hours to perform their outside duties. 5 C.F.R. §§ 2635.101, 2635.704-705. Additionally, an EPA employee may not engage in outside employment or activity that conflicts with the employee's official duties. An activity or employment will conflict with official duties if it is prohibited by statute, or will require the employee's disqualification from matters central and critical to the performance of the employee's official duties. 5 C.F.R. § 2635.802. Further, you must insure that your EPA affiliation is not used to suggest any government sanction or endorsement of your services, as required under 5 C.F.R. § 2635-702(b) and (c). As you perform legal services for clients, you should be aware that 18 U.S.C. § 205, generally prohibits a federal employee from acting as the "agent" for another before any federal government agency on matters involving a "direct and substantial interest" of

the United States. Moreover, an EPA employee is restricted from using information obtained as a result of their government employment that has not been made available to the public. 5 C.F.R. §§ 2635.101(b)(3) 2635.703.

If there is a change or error in the above stated factual information concerning your outside activity, or if you have any questions about this matter, you should contact Kevin Beswick of the Region 4 Ethics Team at (404) 562-9580.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET S.W.  
ATLANTA, GEORGIA 30303-8960

MEMORANDUM

SUBJECT: Request for Approval of Outside Employment

FROM: Exemption 6

TO: Bill Anderson, Deputy Ethics Official  
Deputy Regional Counsel

DATE: August 16, 2004

The purpose of this memorandum is to request approval of outside employment pursuant to 5 C.F.R. 6401.103. I am presently a Regional Criminal Enforcement Counsel Assistant Regional Counsel, GS 15. I will be self employed, and intend to provide legal representation in matters involving estate planning, small business matters (including, but not limited to formation of business entities, contract review, and general advice), and occasional personal injury litigation as co-counsel. The work will not involve entities with which I am involved in my employment and I will recuse myself if a matter related to EPA should arise. I estimate that income from this employment will total \$2k or less. The work will be for various individual or small business clients.

The outside employment will involve less than 5 hours per week, will be performed entirely outside of normal duty hours, and will not interfere with my official duties.

As provided in 5 C.F.R. 6401.103(b)(6) and (8), no official duty time, Government property, resources, or facilities not available to the general public will be used in connection with the outside employment. I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. 2635 and 6401.102.

Exemption 6



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

40EA

**MEMORANDUM**

**SUBJECT:** Approval of Outside Activity

**FROM:** Bill Anderson, Deputy Ethics Official  
Deputy Regional Counsel

A handwritten signature in black ink that reads "Bill Anderson".

**DATE:** August 12, 2004

The purpose of this memorandum is to respond to your request submitted August 12, 2004, seeking administrative approval to engage in outside activity by providing legal representation, while self employed, in matters involving estate planning, small business matters and occasional personal injury litigation as co-counsel. You indicate that the work will not involve entities with which you are involved in your official capacity. Furthermore, you expect that this work will involve less than 5 hours per week and will be performed entirely outside of normal duty hours.

Generally, an employee may engage in outside employment or other activity subject to certain restrictions, set forth at 5 C.F.R. § 2635 (Standards of Ethical Conduct for Employees of the Executive Branch). Based on the factual information before me and the representations made in your request, I have determined that providing legal services as indicated above is not expected to involve conduct prohibited by statute or Federal Regulation. Therefore, I approve your request to engage in outside employment providing the aforementioned services.

Please be advised of the following restrictions pursuant to 5 C.F.R. § 2635, which are relevant to your proposed outside employment. An EPA employee is prohibited from using Agency time and resources during official work hours to perform outside duties. 5 C.F.R. §§ 2635.101, 2635.704-705. Additionally, an EPA employee may not engage in outside employment or activity that conflicts with the employee's official duties. An activity or employment will conflict with official duties if it is prohibited by statute, or will require the employee's disqualification from matters central and critical to the performance of the employee's official duties. 5 C.F.R. § 2635.802. Further, you must insure that your EPA affiliation is not used to suggest any government sanction or endorsement of your services, as required under 5 C.F.R. § 2635-702(b) and (c). As you perform legal services to clients, you should be aware that 18 U.S.C. § 205, generally prohibits a federal employee from acting as the "agent" for another before any federal government agency on matters involving a "direct and substantial interest" of the United States. This caution extends to all federal disputes.

If there is a change in the above stated factual information or if you have any questions about this matter, please contact Susan B. Schub of the Region 4 Ethics Team at ext. 2-9586.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
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4DRA

DEC 21

MEMORANDUM

SUBJECT: Request for Permission to Engage in Outside Employment

FROM: A. Stanley Meiburg, Deputy Ethics Official  
Deputy Regional Administrator

TO: et 6  
Environmental Scientist  
Water Management Division

The purpose of this memorandum is to respond to your memorandum requesting approval for outside employment.

ISSUE PRESENTED

Whether your contemplated outside employment violates the Standards of Ethical Conduct and creates a conflict of interest with your Federal employment.

BRIEF ANSWER

Subject to the restrictions noted below, your outside employment does not violate the Standards of Ethical Conduct and, hence, does not create a conflict of interest with your Federal employment at EPA.

FACTS

In your memorandum you stated the following facts. You recently were offered an outside position to serve as a et 6 for the et 6

This position is one of five et 6 which serve in the et 6 of the et 6 Three of the five et 6 are elected, non-partisan positions, two are appointed. You have been asked to fill one of the appointed positions.

Your current job is primarily focused on the implementation of the Clean Water Act, whereas the et 6 job implements local and state ordinances under the et 6 Erosion and Sedimentation Act of 1975. The local and state regulations and ordinances are not in any way

delegated programs under EPA authority or oversight.

Your husband, *EX 6* is the Branch Chief for the Water Programs Enforcement Branch. That Branch is tasked with overseeing and implementing the compliance and enforcement programs under both the Clean Water Act and the Safe Drinking Water Act. There are some similar components between the actions carried out under that program and the *EX 6* responsibilities. Scott's staff has oversight authority over the implementation of the State of *EX 6* construction storm water general permit. This permit may cover some of the same sites/facilities for which you would be reviewing E&S control plans. However, the plans would not be for compliance with the State's construction permit, but rather for compliance with the State Erosion and Sedimentation Act.

### DISCUSSION

Generally, an employee may engage in outside employment or other outside activity subject to certain restrictions. See 5 C.F.R. § 2635 subparts A-H.

These restrictions prohibit an EPA employee from using EPA time and resources during official work hours to perform his or her outside duties. 5 C.F.R. §§ 2635.101, 2635.704-705.

The employee's outside employment must not involve work with entities which could gain an advantage at EPA through the employee's exercise of his or her official duties. 5 C.F.R. §§ 2635.101(b)(7), 2635.702, 2635.801(c). Employees also must ensure that their outside employment is not construed as implying an official EPA endorsement of any product or service. 5 C.F.R. § 2635.702(b).

An EPA employee may not engage in outside employment or activities that conflict with the employee's official duties. An activity or employment will conflict with official duties if it is prohibited by statute, or will require the employee's disqualification from matters central and critical to the performance of the employees official duties. 5 C.F.R. § 2635.802.

In addition, 18 U.S.C. § 205(a) prohibits Federal employees from acting:

[A]s agent or attorney for prosecuting any claim against the United States, . . . or, . . . as agent or attorney for anyone before any department, agency, court, court-martial, officer, or civil, military, or naval commission in connection with any covered matter in which the United States is a party or has a direct and substantial interest.

### ANALYSIS

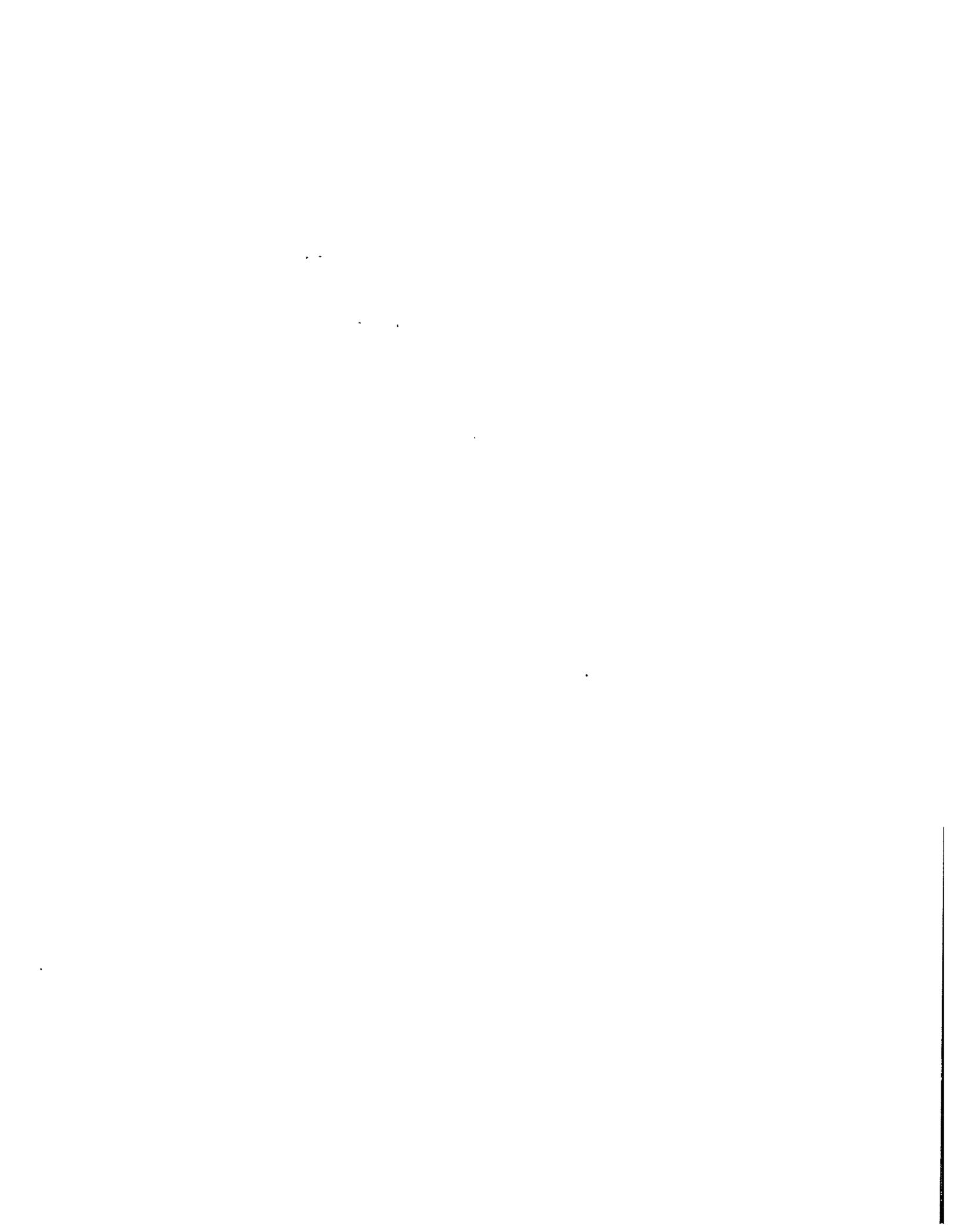
The information you provided indicates that your outside employment does not violate the Standards of Ethical Conduct subject to the comments below. As long as your work does not involve EPA time or property; does not involve work with entities which could gain an advantage

at EPA through the exercise of your official duties; does not imply EPA endorsement of your product or services; and does not otherwise interfere with the performance of your official duties, your employment will not create a conflict of interest with your position at EPA.

Should the issue of your employment at EPA come up during your activity on the *ex 6*, you must make it clear that your work on the *(ex 6)* is in your private capacity, and it is not connected in any way with your official duties.

In the unlikely event that a decision by the *ex 6* should involve an issue before EPA, your husband, *ex 6* has agreed to recuse himself if required. In addition, please be aware that 18 U.S.C. § 205 prohibits you from acting as an agent or attorney before any federal agency including EPA, on behalf of a third party. Again, while it is unlikely, should the *(ex 6)* become involved in any dispute involving a federal agency, you are prohibited from appearing before that agency on behalf of the *ex 6*. You should contact a member of the Region 4 Ethics Team for additional guidance should this occur.

If you have any questions, please feel free to contact Kevin Beswick at 404-562-9580.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
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ATLANTA, GEORGIA 30303-8960

APR - 3 2012

**MEMORANDUM**

**SUBJECT:** Outside Activity Response

**FROM:** A. Stanley Meiburg  
Deputy Ethics Official

**TO:** *Exemption b*  
Chief of Staff

The purpose of this memorandum is to respond to your Memorandum of March 22, 2012, requesting approval to engage in outside activity as a guest commentator on the *Exemption b* aired on HLN, a subsidiary of CNN. Specifically, you are seeking approval to serve on an occasional basis, as a commentator on criminal cases from the prosecutor's position. You indicated that you do not intend to make any reference to your EPA position or to comment on any issues relating to EPA.

You also indicated that you will not be compensated for this activity. You anticipate spending approximately one to two hours per appearance. Although some of the time will be spent after hours, for any time spent during your normal duty hours you expect to take annual leave. You also confirmed that you will not use any official government property, resources or facilities not available to the general public in connection with this outside activity.

Generally, an EPA employee may engage in outside employment or other outside activities, subject to certain restrictions set forth in relevant law, including the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635 and Title 18 of the United States Code. Based on the factual information before me and the representations made in your request, I have determined that your proposal to serve as a guest commentator is not prohibited by statute or Federal regulation. Accordingly, I am approving your request to engage in this particular outside employment.

I wish to call your attention to certain ethical constraints that may be particularly applicable due to the nature of this outside activity. You must not use or permit the use of your official position or title to identify yourself in connection with the activity. [5 C.F.R. § 2635.702(b) and (c)]. Although you do not intend to reference your EPA position in connection with the activity, it is permissible to include your EPA title or position as one of several biographical details when such information is given to identify you provided your title and position is given no more prominence than other significant biographical details. 5 C.F.R. § 2635.807(b). Furthermore, should you be called upon in your official EPA duties to participate in any matter involving HLN or CNN, please immediately notify me or a member of the Region 4 Ethic's Team. Your business arrangement with these entities may very well give rise to an appearance of impartiality preventing you from participating in the particular EPA matter without further authorization. See 5 C.F.R. § 2635.502

If there is a change or error in the above-stated factual information, you must submit a revised request for approval. This approval will be valid for a period of five years. If you continue to engage in this outside activity beyond this five-year approval period, you should promptly submit a revised request before your current approval elapses.

If you have any questions about this matter, please contact me or Susan Schub, at (404) 562-9586.

cc: Gwendolyn Keyes Fleming

MEMORANDUM

TO: Stan Meiburg

FROM: *exemption 6*

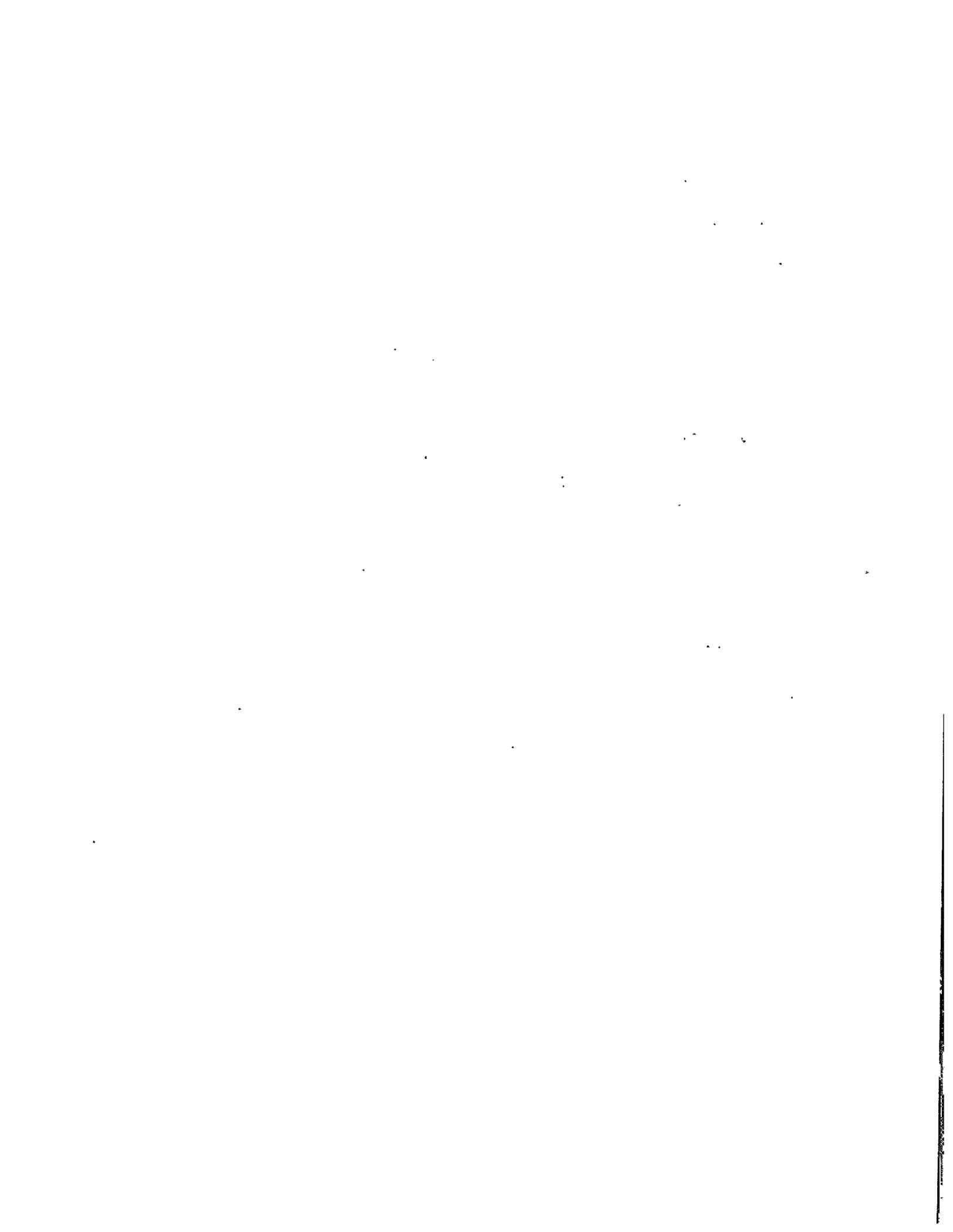
DATE: March 22, 2012

RE: Request for Outside Activity

Stan this is my official request to participate in outside activity. As you are aware I have been asked if I would consider serving as a guest commentator on the *exemption 6* which is aired on HLN.

The official information regarding the request is below:

1. *exemption 6* Chief of Staff, Grade-AD
2. The nature of the outside includes serving as a commentator on criminal cases from the prosecutor's position for the *exemption 6*. No reference to my present position will be made and will not provide commentary on any issues relating to the agency.
3. Will obtain contact information
4. The estimated time will be for 1 to 2 hours occasionally when called upon to provide comments. Sometimes it may be taped during the day for which I will take leave other times it will be after hours.
5. No official duty time or government property will be used
6. To my knowledge—no compensation will be paid
7. I have read and are familiar with and will abide by the restrictions described in 5 CRF Part 2635- "outside Activities and Section 6401.102 of EPA's Supplemental Regulations
8. I am not aware of any EPA Assistance agreements or contracts held by HLN or parent company CNN.





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 4  
ATLANTA FEDERAL CENTER  
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ATLANTA, GEORGIA 30303-8960

OCT 14 1998

4EAD

**MEMORANDUM**

**SUBJECT:** Approval of Outside Activity  
(98-16-A5)

**FROM:** Phyllis P. Harris, Deputy Ethics Official  
Environmental Accountability Division

*ppharris*

**TO:** *exemption* Assistant Regional Counsel  
Office of CERCLA Legal Support, KY/NC/SC/TN  
Environmental Accountability Division

The purpose of this memorandum is to respond to your request dated September 28, 1998, seeking administrative approval to engage in outside employment by providing legal services in the area of adoption law and related matters. You indicate that you do not intend to provide legal services in the area of environmental law. You may however, seek seasonal employment in nonlegal retail work. Finally, you expect that this work will be performed on weekends, and will total 10 to 15 hours per week.

The general policy of EPA is that an employee may engage in outside employment or other activity subject to certain restrictions, set forth in 5 C.F.R. § 2635 (Standards of Ethical Conduct for Employees of the Executive Branch). Based on the factual information before me and the representations made in your request, I have determined that working self employed as an attorney providing legal services for adoptions, or working in nonlegal retail, is not expected to involve conduct prohibited by statute or Federal Regulation. Thus, I hereby approve your request to engage in outside employment providing the aforementioned services.

Please be advised of the following restrictions pursuant to 5 C.F.R. § 2635, which are relevant to your proposed outside employment. An EPA employee is prohibited from using Agency time and resources during official work hours to perform their outside duties. 5 C.F.R. §§ 2635.101, 2635.704-705. Additionally, an EPA employee may not engage in outside employment or activity that conflicts with the employee's official duties. An activity or employment will conflict with official duties if it is prohibited by statute, or will require the employee's disqualification from matters central and critical to the performance of the employee's official duties. 5 C.F.R. § 2635.802. Further, you must insure that your EPA affiliation is not used to suggest any government sanction or endorsement of your services, as required under 5 C.F.R. § 2635-702(b) and (c). As you perform legal services to clients, you should be aware that 18 U.S.C. § 205, generally prohibits a federal employee from acting as the "agent" for another

before any federal government agency on matters involving a "direct and substantial interest" of the United States. Moreover, an EPA employee is restricted from using information obtained as a result of their government employment that has not been made available to the public. 5 C.F.R. §§ 2635.101(b)(3) 2635.703.

If there is a change or error in the above stated factual information concerning your outside activity, or if you have any questions about this matter, you should contact Kevin Beswick of the Region 4 Ethics Team at (404) 562-9580.

cc: Scott Fulton, Designated Agency Ethics official, OGC  
Rick Leahy, EAD Office of Legal Support, Chief CERCLA North



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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MAR - 7 2003

4EAD

MEMORANDUM

SUBJECT: Approval of Outside Employment Activity

FROM: A. Stanley Meiburg  
Deputy Ethics Official

TO: *exemption 6*  
Ecological Assessment Branch  
Science and Ecosystem Support Division

The purpose of this memorandum is to respond to your request dated January 27, 2003, seeking renewal of administrative approval for you to engage in outside employment activity relating to water quality assessment. As documented in my January 3, 1997, approval memorandum to you, the prior approval covered provision of technical services involving field collection and measurement of water quality data, for use by others as empirical inputs for development of mathematical water quality models. Because of the similarity of such services to technical services which, as part of your EPA duties, you could be assigned to provide to state environmental agencies administering EPA-delegated water programs within Region 4, your prior approval was expressly limited to assessment work on waterbodies located outside the eight-state Region 4 area, performed for client entities located outside Region 4. Your renewal request indicates that you will continue to limit your non-EPA assessment work to activities involving only clients and waterbodies outside Region 4's geographical area. Additionally, you have stated that you will not use non-public Government information, official duty time, or Government property, resources, or facilities in connection with this outside employment activity.

Generally, an EPA employee may engage in outside employment or other outside activities, subject to certain restrictions set forth in relevant law, including the Standards for Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635. Based on the factual information before me and on the factual information in your original and renewal requests, I have determined that your outside employment as described is not expected to involve conduct prohibited by statute or Federal regulation. Accordingly, I am hereby approving your request for renewal of administrative approval to engage in this outside-employment, within the limits you have specified regarding the scope of your activities.

In accordance with 5 C.F.R. § 6401.103(d), you must submit a revised request for approval if there is a change in the nature or scope of the outside services you perform. In particular, I am repeating my prior caution that you should submit a new request if you propose to perform assessment work on any waterbody located in any part within a Region 4 state.

Moreover, even when performing your technical services outside this Region as contemplated under this approval, you should take care that your EPA affiliation, title, and/or position are not used to suggest any Government sanction or approval of your outside work, pursuant to the prohibition contained in 5 C.F.R. § 2635.702(b)&(c). For example if, in the course of performing these outside services, you come in contact with state or local government officials with whom you have dealt previously in an EPA capacity, you should insure that they understand that you are acting in a private, non-official capacity. Additionally, you are reminded of the provisions of 18 U.S.C. § 205, a criminal statute which generally prohibits a federal employee from acting as the "agent" or "representative" of others before *any* federal Government agency on matters involving a "direct and substantial interest" of the United States.

If there is an inaccuracy or change in any of the above-stated factual information concerning your outside activity, or if you have any questions about this matter, you should contact Lawrence Neville of the Region 4 Ethics Team at (404) 562-9584.

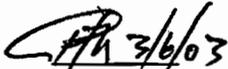
cc: Bill Bokey, Chief, Ecological Assessment Branch, Science and Ecosystem Support Division

Moreover, even when performing your technical services outside this Region as contemplated under this approval, you should take care that your EPA affiliation, title, and/or position are not used to suggest any Government sanction or approval of your outside work, pursuant to the prohibition contained in 5 C.F.R. § 2635.702(b)&(c). For example if, in the course of performing these outside services, you come in contact with state or local government officials with whom you have dealt previously in an EPA capacity, you should insure that they understand that you are acting in a private, non-official capacity. Additionally, you are reminded of the provisions of 18 U.S.C. § 205, a criminal statute which generally prohibits a federal employee from acting as the "agent" or "representative" of others before *any* federal Government agency on matters involving a "direct and substantial interest" of the United States.

If there is an inaccuracy or change in any of the above-stated factual information concerning your outside activity, or if you have any questions about this matter, you should contact Lawrence Neville of the Region 4 Ethics Team at (404) 562-9584.

cc: Bill Bokey, Chief, Ecological Assessment Branch, Science and Ecosystem Support Division

L. Neville/In:4EAD/29584/3/3/03/OUTSEMPL.Koenig

  
Neville



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 4**

**Science and Ecosystem Support Division  
980 College Station Road  
Athens, Georgia 30605-2720**

**MEMORANDUM**

**DATE:** January 22, 2003

**SUBJECT:** **Outside Employment  
Request for Administrative Approval**

**FROM:** *exemption 6*  
Ecological Assessment Branch / 7  
Science and Ecosystem Support Division

**TO:** A. Stanley Meiburg, Deputy Regional Administrator  
Deputy Ethics Official

By this memorandum I am requesting renewal of administrative approval for outside employment. Original approval for pursuing outside employment was granted by memo dated January 3, 1997 from your office. It is my understanding that such permission requires renewal, as is presently requested. My present position is GS-14 Ecologist, Ecological Evaluations Section chief.

The outside activity being considered is consistent with the initial request, involving the provision of technical services relative to water quality and hydrological assessments. Specifically, activities will consist of providing consultation and measurements of water quality parameters related to dissolved oxygen dynamics and hydrology. These measurements will be used by others for purposes of conducting dissolved oxygen measurements, assessments, and developing mathematical water quality models. Currently, site specific data for model inputs such as sediment oxygen demand and reaeration rates are estimated through the use of empirical equations. Techniques to be employed to provide this service are readily described in the literature. No government information not available to the general public will be used.

Clients include local governments, resource authorities and private companies. The organizations for which the work will be preformed, as well as the work sites, are not within

Region IV boundaries. Should opportunities occur within Region 4, of a nature that clearly do not appear to be a conflict of interest, then a specific request for permission would be made at that time for that individual activity. Experience over the past period for which I had permission for outside work has clearly proven that it is not possible to predict a specific client list. At this time, the level of outside activities anticipated will likely be no more than two or three projects per year with the total effort consisting of approximately 2 to 3 weeks of field activities. The level of compensation anticipated may range between *26* to *126*. Compensation will be on a fee basis.

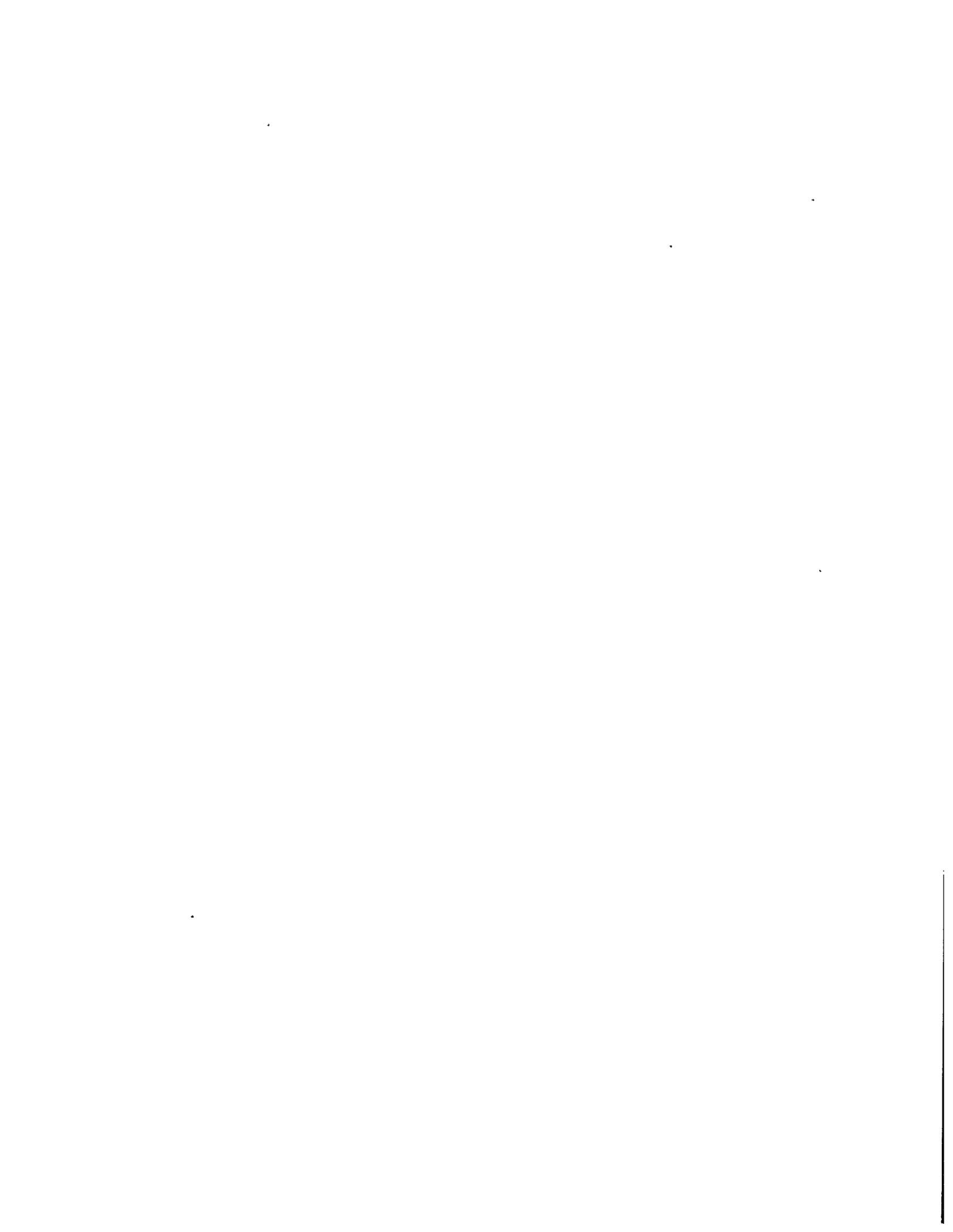
No official duty time, government property, resources, or facilities not available to the general public will be used in these efforts. In addition, I will not represent any client before the federal government.

All of the activities will be preformed while on leave status or in the case of subsequent report preparation, either on leave status or outside of normal duty hours and at non-government facilities.

If you need further information or clarification please contact me at 706-355-8711.

cc: Michael V. Peyton, Director, Science and Ecological Support Division

Bill Bokey, Chief, EAB





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
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ATLANTA, GEORGIA 30303-8960

**FEB 17 2006**

MEMORANDUM

SUBJECT: Approval of Outside Activity

FROM: Bill Anderson, Deputy Ethics Official  
Office of Environmental Accountability

TO: *ext* Associate Regional Counsel  
Office of Water Legal Support

The purpose of this memorandum is to respond to your request submitted February 16, 2006, seeking administrative approval to publish an article that you wrote on the legislative history of the Clean Water Act in the March issue of the *ext*. In your conversation with Susan B. Schub of the Region 4 Ethics Team you indicated that this activity is not for compensation. Furthermore, you did not use Agency time and resources during official work hours in performing this activity.

The Standards of Ethical Conduct for Employees of the Executive Branch require that your EPA affiliation is not used to suggest any government sanction or endorsement of your services. 5 C.F.R. § 2635.702(b). You have satisfied that provision by including the following disclaimer: "This article expresses only the personal views of Mr. Sapp and does not necessarily reflect the official position of the EPA." You also indicated to Ms. Schub that you did not use any nonpublic information in writing the article as required by 5 C.F.R. § 2635.703 of the Standards of Ethical Conduct.

Based upon the factual information before me and the representations made in your request, I have determined that publishing this article is not expected to involve conduct prohibited by statute or Federal Regulation. Therefore I approve your request.

If there is a change in the above stated factual information or if you have any questions about this matter, please contact Susan B. Schub at ext. 2-9586.

cc: Carlos Asencio



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February 15, 2006

MEMORANDUM

SUBJECT: exemption 6 Historical  
Review of the Clean Water Act and the Term "Navigable Waters"

FROM: EX6, Associate Regional Counsel  
Office of Water Legal Support

TO: Bill Anderson, Deputy Regional Counsel  
Office of Environmental Accountability

I am seeking to publish an article on the legislative history of the Clean Water Act in the March issue of the EX6. I wrote the article on my own time. And, I have included the following disclaimer in the article:

This article expresses only the personal views of Mr. EX6, and does not necessarily reflect the official position of the EPA.

Nevertheless, the article was peer reviewed by several attorneys helping to draft the Rapanos and Carabell briefs, as well as several other attorneys drafting amicus briefs for these two U.S. Supreme Court cases. Based on their comments and my own review of the Government's briefs in Rapanos and Carabell, the article is consistent with the position that the Government has taken in these cases.

One of the co-authors of the article, EX6 is a former EPA intern. The work she did on the article was performed after she left the employ of the EPA. My wife EX6, is the third author of the article, and she is employed as a professor at EX6 University. None of us received any pay for the article, and we will not receive any compensation for the article once it is published.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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**MAR 14 2006**

MEMORANDUM

SUBJECT: Approval of Outside Employment Activity

FROM: Bill Anderson, Deputy Ethics Official  
Deputy Regional Counsel

TO: *exb*, Associate Regional Counsel  
Office of Water Legal Support

The purpose of this memorandum is to respond to your request for approval for outside employment activity. By memorandum dated March 7, 2006, you sought administrative approval to teach the Public Lands & Natural Resources class at the *exb* University Law School. You indicated that you would earn *exb* or teaching this class, and that it will involve less than 8 hours per week. Furthermore, no official duty time, government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

Generally, an EPA employee may engage in outside employment or other outside activities, subject to certain restrictions set forth in relevant law, including the Standards of Ethical Conduct for Employees of the Executive Branch ("Standards"), 5 C.F.R. Part 2635. Those Standards generally restrict an employee from receiving compensation from any non-Government source for teaching, speaking or writing relating to the employee's official duties. However, there is an exception found at 5 CFR § 2635.8076(a)(3), which allows an employee to accept compensation for teaching a course requiring multiple presentations if the course is offered as part of the regularly established curriculum of an institution of higher education. This exception is applicable to your teaching at *exb* University Law School.

Based upon the information before me, I have determined that your outside employment as described is not expected to involve conduct prohibited by statute or Federal regulation. Accordingly, I am hereby approving your request to engage in outside employment, within the limitations you have specified regarding the scope of your proposed activities.

However, I wish to call your attention to certain ethical limitations that may be particularly applicable due to the relevance of your work experiences to the course you teach. You must be careful not to draw substantially upon or disclose "nonpublic information", as defined at 5 CFR §2635.703(b), while engaging in this compensated outside activity. Furthermore, you are not to use or permit the use of your official title or

position to identify you in connection with your teaching activity, other than to include such information as one of several biographical details. 5 CFR § 2635.807(b).

If there is a change in any of the above-stated factual information, or if you have any questions about this matter, you should contact Susan Schub of the Region 4 Ethics Team at (404) 562-9586.

cc: Mary Wilkes  
Carlos Asencio



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
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61 FORSYTH STREET S.W.  
ATLANTA, GEORGIA 30303-8960

March 7, 2006

MEMORANDUM

SUBJECT: Request for Approval of Outside Employment

FROM: *ELB* Associate Regional Counsel *wws*  
Office of Water Legal Support

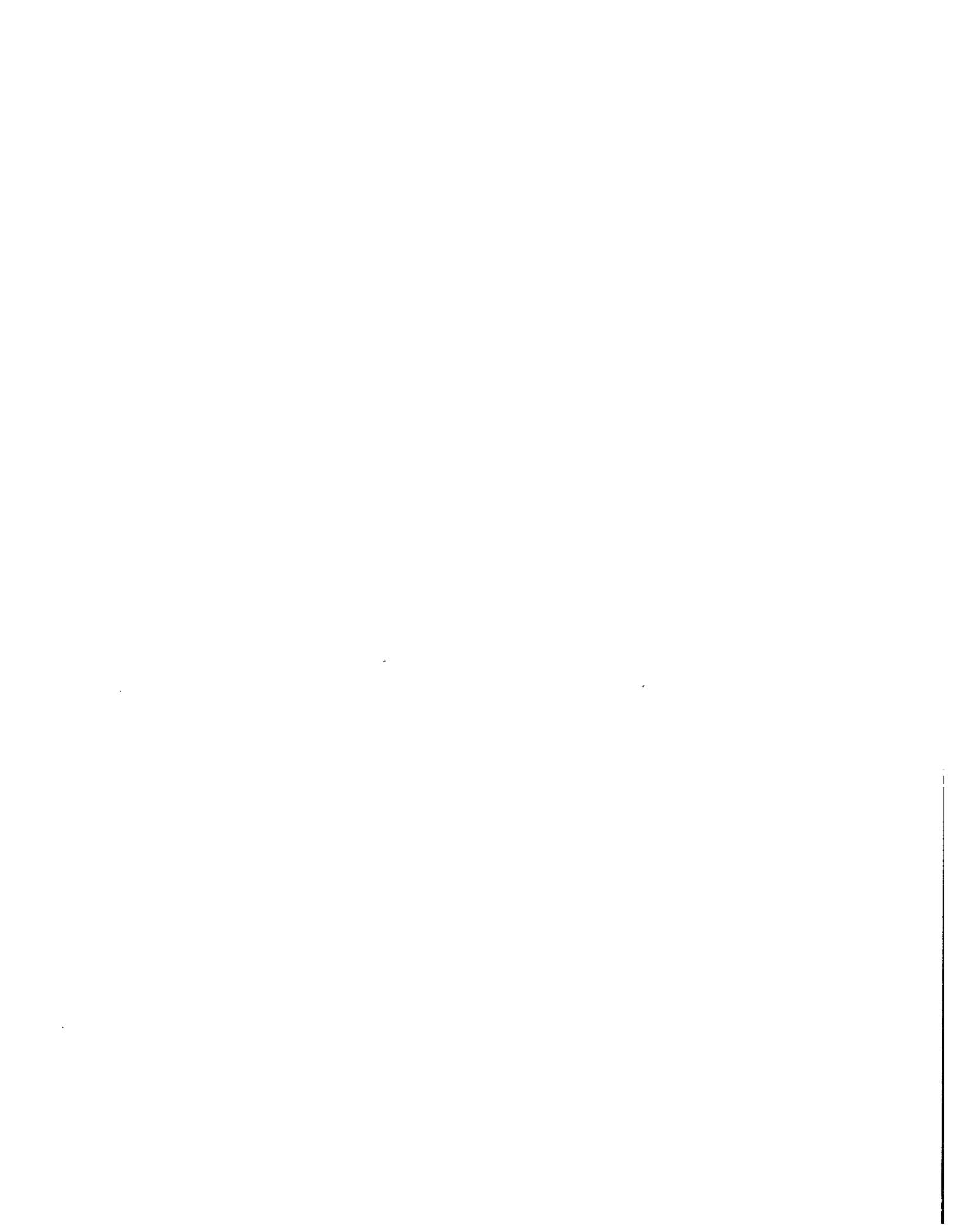
TO: Bill Anderson, Deputy Ethics Official  
Deputy Regional Counsel

THRU: Mary Wilkes, Chief *MW*  
Office of Water Legal Support

The purpose of this memorandum is to request approval of outside employment under 5 C.F.R. § 6401.103. I am presently an Associate Regional Counsel, GS 14. Recently, I was asked to teach the Public Lands & Natural Resources class at the *ELB* University Law School. I would teach the class in the evening during the Fall semester. I am not currently involved in any matters involving *ELB* University and would step down from my teaching position in the event our office undertook an enforcement action against *ELB* University and a conflict of interest were to develop. I would earn *\$ELB* for teaching this class.

The outside employment will involve less than 8 hours per week, will be performed entirely outside of normal duty hours, and will not interfere with my official duties.

As provided in 5 C.F.R. § 6401.103(b)(6) and (8), no official duty time, Government property, resources, or facilities not available to the general public will be used in connection with the outside employment. I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. §§ 2635 and 6401.102.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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JAN 31 2005

MEMORANDUM

SUBJECT: Approval of Outside Employment

FROM: A. Stanley Meiburg  
Deputy Ethics Official *AS Meiburg*

TO: *Exemption 6* Environmental Engineer  
NPDES and Biosolids Permits Section

The purpose of this memorandum is to respond to your request submitted January 24, 2005, seeking administrative approval to engage in outside activity as a substitute teacher in the *DeKalb* County Public School System. Your general duties are the instruction to school-aged children in accordance with the teacher work plans. You expect compensation to be less than \$ *10,000* per year and that the time devoted to this activity will be less than ten (10) days per year. You also indicate that no official duty time or Government property, resources, or facilities, not available to the general public will be used in connection with the outside employment.

Generally, an employee may engage in outside employment or other activity subject to certain restrictions, set forth at 5 C.F.R. § 2635 (Standards of Ethical Conduct for Employees of the Executive Branch). Those standards, at 5 C.F.R. § 2635.807(a)(3), generally restrict an employee from receiving compensation from any non-Government source for teaching that is related to the employee's official duties. However, in your recent conversation with Susan Schub, Chief, EPA Ethics Team, you indicated that your teaching will not relate to your official duties at EPA, so that the aforementioned restriction would not apply. Based on the factual information before me and the representations made in your request, I have determined that your activity as a substitute teacher is not expected to involve conduct prohibited by statute or Federal Regulation. Therefore, I approve your request to engage in outside employment within the limitations you have specified regarding the scope of your proposed activities.

If there is a change in any of the above-factual information, or if you have any questions about this matter, you should contact Susan Schub, at (404) 562-9586.

cc: Roosevelt Childress  
Carlos Asencio



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

Memorandum

Date: January 24, 2005

From: *EX 6*, Environmental Engineer *HP*  
NPDES and Biosolids Permits Section

To: Stan Meiburg, Deputy Regional Administrator

Through: Roosevelt Childress, Chief *RC*  
NPDES and Biosolids Permits Section

Wayne Aronson, Acting Chief *WA*  
Permits, Grants and Technical Assistance Branch

*JG* James D. Giattina, Director *Alan Tanner*  
Water Management Division

Susan Schub, Chief  
Office Environmental Accountability Ethics Team

Subject: Approval for Outside Employment

I am requesting approval to work part-time as a substitute teacher, for compensation, during non-work hours. In accordance with 5 CFR Section 6401.103 (b), below is the required information that must be included in this request:

1. Employee's name, title and grade –

*EX 6*, Environmental Engineer, GS-13

2. Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected –

**Instruction to school-aged children will be given in accordance with teacher work plans. Expected compensation will be less than \$*EX 6* per year.**

3. The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months)-

*EX 6* County School System

4. The estimated time to be devoted to the activity –

**Less than 10 days per year.**

5. Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required) –

**The work will be performed entirely outside of normal duty hours.**

6. The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment –

**No official duty time or Government property, resources, or facilities not available to the general public, will be used in connection with the outside employment.**

7. The basis for compensation (e.g., fee, per diem, per annum, etc) –

**The basis for compensation is my educational level (e.g., college degrees).**

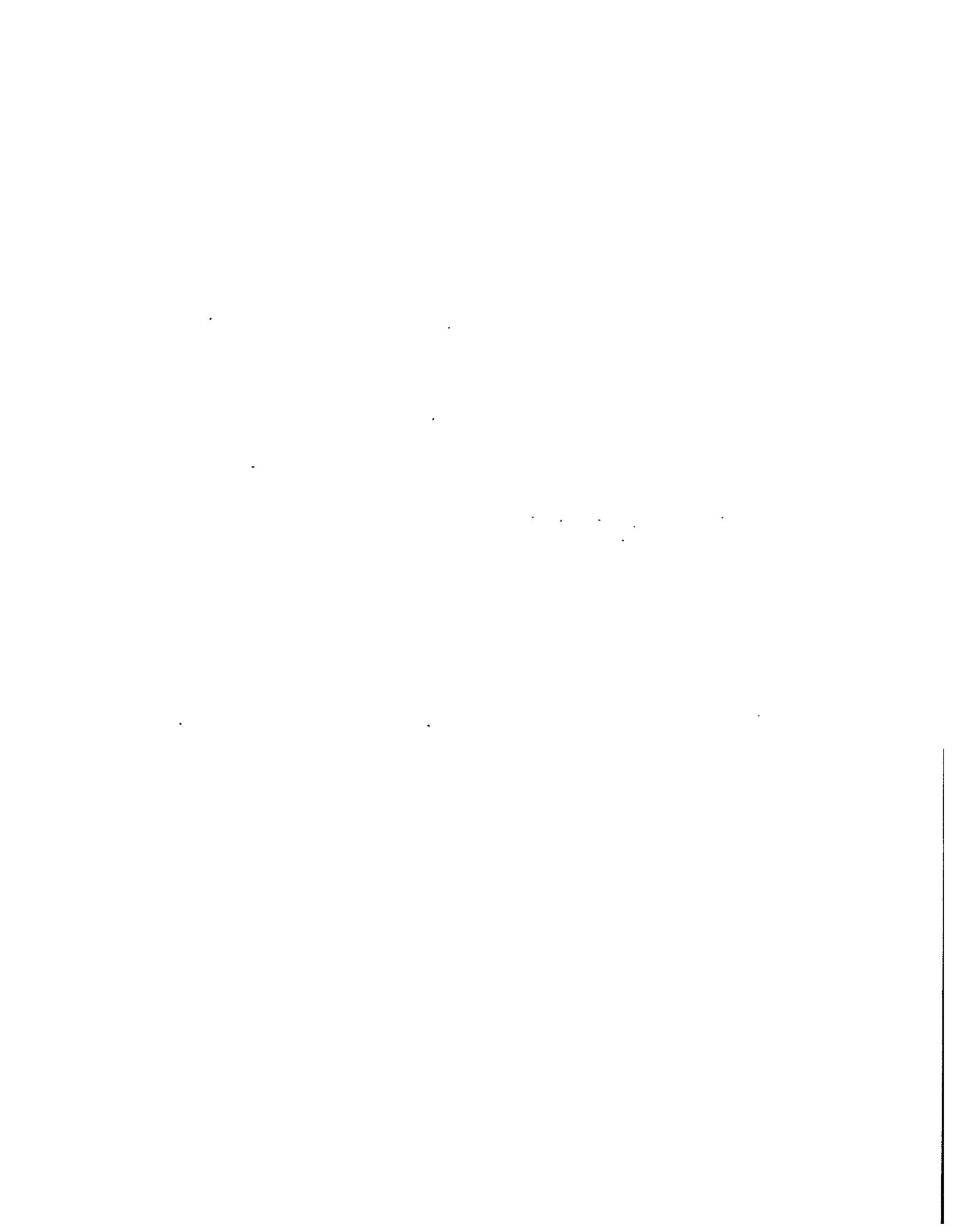
8. The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and Section 6401.102 –

**I, *Ed. G.* have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and Section 6401.102.**

~~9. An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.~~

**I am not aware of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.**

I understand that an approval for me to be engaged in employment outside EPA is valid for five years unless the Region 4 Deputy Ethics Official specifies a longer time period. I further understand that if there is a change in the nature or scope of the duties or services I perform as a substitute teacher, I must submit a revised request for approval.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION 4  
 ATLANTA FEDERAL CENTER  
 61 FORSYTH STREET  
 ATLANTA, GEORGIA 30303-8960

November 30, 2004

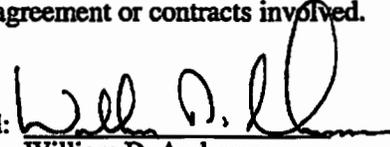
**MEMORANDUM**

**SUBJECT:** Request for Continued Permission to Engage in Outside Employment  
**FROM:** Exemption 6  
 Associate Regional Counsel  
**THRU:** Susan Schub, Chief  
 Office of Environmental Accountability Ethics Team  
**TO:** William D. Anderson  
 Deputy Regional Counsel

Title 40, Code of Federal Regulations (C.F.R.) Part 3 requires that each employee obtain administrative approval before engaging in certain types of outside employment. This request is submitted to satisfy that requirement.

In accordance with 40 C.F.R. § 3.508 and Appendix A to Subpart E -- Procedures for Permission to Engage in Outside Employment or Other Outside Activity, I request continued approval to engage in my outside employment as follows:

- \* Adjunct Professor: ex 6 University School of Law. This position entails an evening class of two to three hours per week for 14 weeks. Compensation is expected at or around \$ ex 6 r semester. ex 6 Law School is a fully accredited law school located in exemption 6. My request is for continuing permission, the classes are on a semester basis.
- \* School Contact: Exemption 6  
 of Law
- \* Estimated time for activity -- 2-3 hours instruction and 6-8 hours preparation time per week.
- \* Preparation and instruction of the course is outside of my normal duty hours. To date, the class schedule has been Tuesday, Wednesday or Thursday evenings.
- \* I am currently unaware of any specific assistance agreement or contracts involved.

Approved:   
 William D. Anderson 12/1/04



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

345 COURTLAND STREET, N.E.  
ATLANTA, GEORGIA 30365

November 1, 1995

MEMORANDUM

**SUBJECT:** Request for Continued Permission to Engage in Outside Employment

**FROM:** Exemption 6  
ASSISTANT REGIONAL COUNSEL

**THRU:** Carol Baschon, Acting Chief  
Water Branch

**TO:** Phyllis P. Harris  
Acting Regional Counsel

Title 40, Code of Federal Regulations (C.F.R.) Part 3 requires that each employee obtain administrative approval before engaging in certain types of outside employment. This request is submitted to satisfy that requirement.

In accordance with 40 C.F.R. § 3.508 and Appendix A to Subpart E -- Procedures for Permission to Engage in Outside Employment or Other Outside Activity, I request continued approval to engage in my outside employment as follows:

- \* Adjunct Professor: Ex 6 University School of Law. This position entails an evening class of two hours per week, for 14 weeks. Compensation is expected at \$ Ex 6 per semester hour. Law School is a fully accredited law school located in Ex 6. My request is for continuing permission, the classes are on a semester basis.
- \* School Contact: Exemption 6
- \* Estimated time for activity -- 2 hours instruction per week and 4 to 8 hours preparation time.
- \* Preparation and instruction of the course is outside of my normal duty hours. To date, the class schedule has been Thursday evenings, 6:00 - 8:00 pm.
- \* I am currently unaware of any specific assistance agreement or contracts involved.

Approved: Phyllis P. Harris



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

MAR 31 2000

4EAD

MEMORANDUM

SUBJECT: Approval of Outside Employment Activity

FROM: Phyllis P. Harris *Beverly P. Miller for*  
Director and Regional Counsel  
Environmental Accountability Division

TO: *ex 6*, Assistant Regional Counsel  
Environmental Accountability Division

The purpose of this memorandum is to respond to your request of December 17, 1999, seeking administrative approval to (1) engage in an outside activity to create and operate a non-profit organization, *ex 6*, that promotes children's environmental stories, and (2) to join the Board of Directors for *ex 6*, a sub-group of *ex 6*. With respect to *ex 6*, you have indicated that you will serve as a Director of the organization and your duties will involve public speaking and meetings with sponsors or potential funders of the organization. With respect to *ex 6*, you will serve as a voting member of the Board of Directors to further the organizations general environmental protection efforts. You indicated you are not receiving compensation for these positions.

You are currently employed as an Assistant Regional Counsel in EPA Region 4's Environmental Accountability Division, Superfund Branch. Your responsibilities include providing legal advice and counsel to EPA regarding the release of hazardous substances pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and represent EPA in matters in various stages of litigation and negotiation.

You have stated that no EPA assistance agreements or contract funds have been provided to either of these organizations from which you will receive compensation or reimbursement. You have also stated that no official duty time or Government property, resources or facilities not available to the general public will be used in connection with this outside activity. Your official duties present no conflict of interest with your proposed activities with *ex 6*, and very limited potential conflict of interest with respect to your activities with *ex 6*. In accordance with ethics regulations, you may wish to notify me if a situation arises which presents a conflict of interest with your official duties with respect to either of these activities.

Generally, an employee may engage in outside employment or other outside activities following prior approval pursuant to 5 C.F.R. § 6401.103 and subject to certain restrictions set forth in relevant law, including the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635 and Title 18 of the United States Code (U.S.C.). Based on the factual information before me and the representations made in your request, I have determined that your activities as principal of the non-profit organization, *ex 6*, and your membership on the Board of Directors for *ex 6*, are in accordance with Agency ethics regulations subject to restrictions set forth below and in applicable ethics regulations. Accordingly, I am hereby approving your request to engage in this outside employment, within the limitations you have specified regarding the scope of your proposed activities.

Where employees are "active participants" in outside organizations in their private capacities, the "impartiality" provisions of 5 C.F.R. Part 2635, Subpart E, apply. 5 C.F.R. §2635.502(b)(1)(v). Where an organization for which the employee is an "active participant" is or represents a party with respect to a particular matter, the employee must apply the regulations at 5 C.F.R. § 2635.502 to determine whether the employee may not participate in the matter. 5 U.S.C. § 2635.502(a). A reasonable person with knowledge of the relevant facts may question your impartiality with respect to particular matters before EPA that involve one of the outside organizations for which you are an "active participant." Accordingly, it may not be prudent for you to participate in matters involving *Exemption 6* or *Exemption 6* that are or may potentially come before EPA, unless you inform the Deputy Ethics Official and receive a written authorization pursuant to 5 C.F.R. § 2635.502(d). You should read and familiarize yourself with the provisions at 5 C.F.R. § 2635.502 regarding notification, disqualification, and appearances of impartiality. The United States Code, Chapter 18, also prohibits you from participating in any EPA "particular matter" that has a "direct and predictable effect" on the financial interest of the organization. 18 U.S.C. § 208(a).

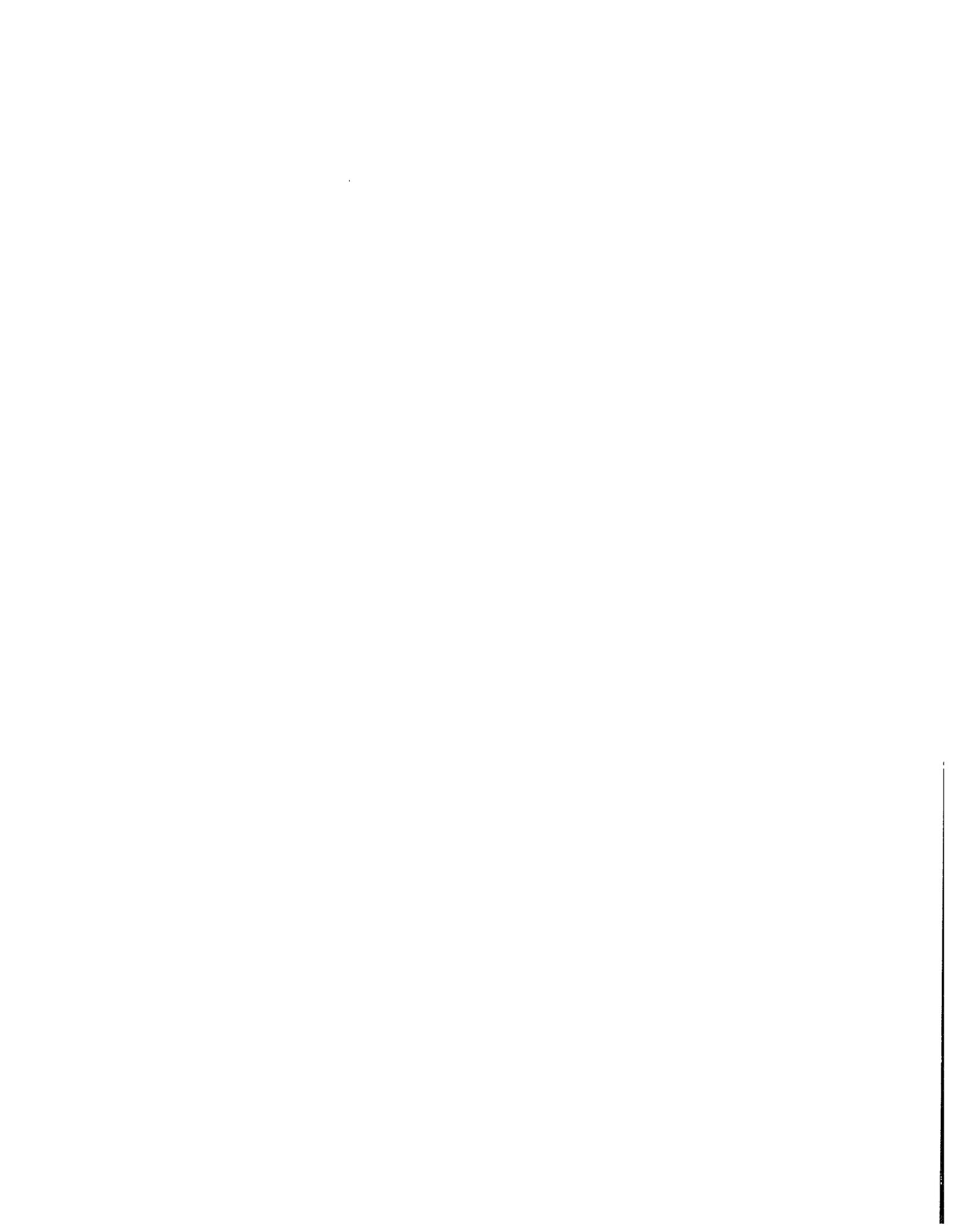
Please also be aware of restrictions regarding your communication on behalf of these organizations with any federal agency or in a federal court case in which the U.S. is a party or has a "direct and substantial interest" regarding any "particular matter." See 18 U.S.C. §§ 201 *et seq.*; 5 C.F.R. §§ 2635.402(b)(3) and 2640.103(a)(1); *Van EE v. EPA*, 2000 WL 124336 (D.C. Cir. Feb. 8, 2000)(attached). The Court of Appeals for the D.C. Circuit recently interpreted the provisions of 5 C.F.R. §§ 2635.402(b)(3) and 2640.103(a)(1) in the context of criminal statutory provisions at 18 U.S.C. § 205 and held that these restrictions apply only where a government decision made by a federal agency is focused on a "probable particularized impact on discrete and identifiable parties . . ." *Van EE v. EPA*, 2000 WL 124336 at 10. You may wish to review that decision and determine periodically if there is a substantial conflict between your officership or active participation and your EPA duties. In such a case, you may be required to resign from office or cease active participation in these organizations. See 5 C.F.R. §§ 2635.402(c) and 2635.802(b).

I caution you to insure that your EPA affiliation is not used to suggest any Government sanction or endorsement of your services, as required under 5 C.F.R. § 2635.702(b)&(c), and to

avoid use or disclosure of Government "nonpublic information" in this outside activity, pursuant to 5 C.F.R. § 2635.703. You should be particularly careful that your EPA title is not used in any manner that would suggest EPA participation, sanction or approval of any outside activities. Any requests for annual leave associated with this outside activity must be pre-approved by your immediate supervisor and may not conflict with your official EPA duties.

If there is a change or error in the above-stated factual information concerning your outside activity, or if you have any questions about this matter, you should contact David M. Moore of the Region 4 Ethics Team at (404)562-9547.

cc: Donnell Nantkes, Designated Agency Ethics Official, OGC  
William B. Bush, Chief, EAD-Superfund South





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

[AUG 25 2009]

OEA

MEMORANDUM

**SUBJECT:** Approval of Outside Employment Activity

**FROM:** William D. Anderson *William D. Anderson*  
Deputy Ethics Official

**TO:** *ex b*  
Office of CERCLA C Legal Support  
Office of Environmental Accountability

The purpose of this memorandum is to respond to your request dated August 11, 2009, seeking administrative approval to engage in outside employment with *ex b* a small business recently started by your husband. *ex b* has developed a technology, the *ex b* cleanmachine, used to kill bacteria, viruses, and fungi and reduce offensive odors contained in particular materials. In addition, *ex b* will be selling ozone sanitizing equipment manufactured by another firm, *ex b*. The *ex b* cleanmachine and *ex b* equipment will be marketed to a variety of consumers, including private businesses, state and local governments, and potentially the military. You seek permission to engage in a variety of activities for *ex b*, such as assisting in marketing, preparing pamphlets, keeping the books and possibly becoming an officer of the company.

You anticipate that this activity will involve approximately four (4) hours per week performed entirely outside of normal duty hours. You will not be compensated for this activity. You indicated that you will not use official duty time, or Government property, resources or facilities in connection with the outside employment. You have also indicated that you are familiar with and will abide by the Standards of Ethical Conduct, and that there are no EPA assistance agreements or contracts held by *ex b* or *ex b*.

Generally, an EPA employee may engage in outside employment or other outside activities, subject to certain restrictions set forth in relevant law, including the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635 and Title 18 of the United States Code. Based on the factual information before me and the representations made in your request, I have determined that your outside employment as described is not expected to involve conduct prohibited by statute or Federal regulation. Accordingly, I am hereby approving your request to engage in this outside employment, within the limitations specified regarding the scope of your proposed activities.

I wish to call your attention to certain ethical constraints that may be particularly applicable in your current position, due to the nature of these outside activities. You indicated that the *ex b* cleanmachine and the *ex b* will be marketed to state and local governments and potentially the military, and that marketing would be one of the activities you would assist with. You should remain continuously mindful of 18 U.S.C. §§ 203 and 205, criminal statutes which generally prohibits a federal employee from acting as the "agent" or "representative" of others before any federal Government agency on matters involving a "direct and substantial interest" of the United States. While this statute does not prohibit "representational" contacts with non-federal government officials, your EPA affiliation may not be used to suggest any Government sanction or endorsement of your services. [5 C.F.R. §2635.702(b) & (c).] Therefore you should make it clear that you are acting in a private, non-official capacity if, as part of your outside work, you are in contact with state or local government officials with whom you have dealt previously in an EPA capacity. Moreover, in all activities related to this work, you should take care to prevent any implication -- for example from oral or written references (i.e., pamphlets, company website) to your EPA affiliation in the promotion of *ex b* or products marketed by you, your employer and/or your associates --that EPA endorses these services. You must also comply with 5 C.F.R. § 2635.703(a), which prohibits use of "nonpublic information" for private purposes.

Furthermore, should you become an Officer of *ex b* a corporation that may market to the military, in addition the criminal statutes 18 U.S.C. §§ 203 and 205, which may prohibit you from communicating with the Government about a contract, you should be aware that generally, an employee may not contract with the Government or own businesses that do. The general policy under the Federal Acquisition Regulation (FAR) prohibits a contracting officer from awarding a contract to a Government employee "or to a business concern or other organization owned or substantially owned or controlled by one or more Government employees." 48 C.F.R. § 3.601. Although this is not an Office of Government Ethics rule, the FAR provision is intended to avoid "conflict of interest" as well as "the appearance of favoritism or preferential treatment by the Government toward its employees." Id.

If there is a change in the nature or scope of your official duties or in the above-stated factual information concerning your outside activity, you must submit a revised request for approval. **In particular, while the subject matter you will be engaged in, a technology that you indicate kills bacteria, viruses and fungi, does not relate to your current duties as Chief of a CERCLA Legal Support Office, should you ever be reassigned to a program or work on a matter involving the Federal Insecticide, Fungicide, and Rodenticide Act, it is conceivable that conflicts could arise between your official duties and your outside activities, such that approval would need to be reexamined.** Furthermore, this approval will be valid for a period of five years. If you continue to engage in this outside activity beyond this five year approval period, you should promptly submit a revised request before your current approval elapses. I encourage you to contact Susan B. Schub, at ext. 2-9586, or one of the other members of the Region 4 Ethics Team, if you have any questions about potential ethics issues as you proceed with this work.

August 11, 2009

Memorandum

SUBJECT: Request for Approval for Outside Activity

FROM: *EXB* Chief *EXB*  
Office of CERCLA C Legal Support  
Office of Environmental Accountability

TO: Bill Anderson  
Deputy Ethics Official

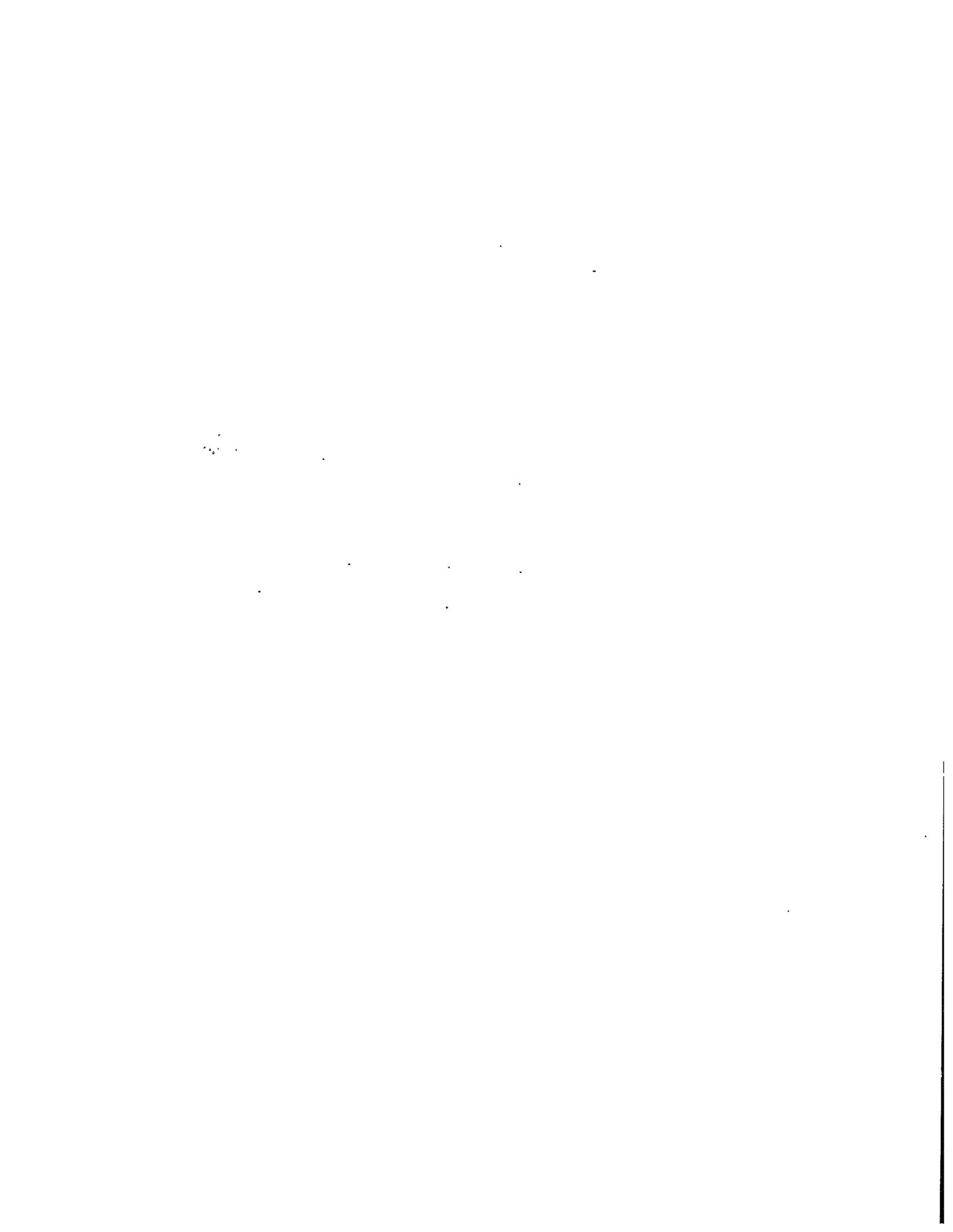
The purpose of this memorandum is to request approval of outside employment or activity pursuant to 5 C.F.R. 6401.103. I am presently the Branch Chief of the Office of CERCLA C Legal Support in the Office of Environmental Accountability (GS 15). My husband, *EXB* has started a small business named (*EXB* has developed the *EXB* cleanmachine (patent pending), a technology that generates ozone in an air tight moisture controlled cabinet that kills 99.5% of the bacteria, viruses, and fungi and reduces any offensive odor on sporting gear, electronics, leather, costumes, toys, uniforms, and other synthetics. In addition, *EXB* will be selling equipment manufactured by *EXB* does not have any contracts or assistance agreements with EPA. The equipment from *EXB* will be sold under the *EXB* brand name. The *EXB* cleanmachine and *EXB* equipment will be marketed to, and hopefully sold or leased to a variety of consumers (public schools, daycares, businesses, theatre companies, state and local governments, and potentially the military).

I am writing to ask permission to work in the business, doing everything from assisting him in marketing to helping with sales and demonstrations, assisting in preparing pamphlets to keeping the books. There is also a potential that I will become an officer of the company.

The outside employment will typically involve four (4) hours per week and will be performed entirely outside of normal duty hours. I will not be compensated for this activity.

Pursuant to 5 C.F.R. 6401.103(b)(6) and (8), I state that no official duty time, Government property, resources, or facilities not available to the general public will be used in connection with the outside employment, and that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and 6401.102.

Thank you for your consideration.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

4 OEA

JAN 26 2005

MEMORANDUM

SUBJECT: Approval of Outside Activity

FROM: Bill Anderson, Deputy Ethics Official  
Environmental Accountability Division

TO: *ETB*, Associate Regional Counsel  
Office of Water Legal Support  
Environmental Accountability Division

The purpose of this memorandum is to respond to your request, of January 4, 2005, seeking administrative approval to engage in outside employment by providing legal representation in a personal injury matter. You expect that this activity will involve the time required to write a demand letter and possibly two negotiations by telephone. Furthermore, you will be representing two family members and do not expect to receive compensation for this activity.

Generally, an employee may engage in outside employment or other outside activity subject to certain restrictions set forth at 5 C.F.R. § 2635 subparts A-H (Standard of Ethical Conduct for Employees of the Executive Branch). Based on the factual information before me and the representations made in your request, I have determined that working self employed as an attorney providing legal services as you have requested is not expected to involve conduct prohibited by statute or Federal Regulation. Therefore, I approve your request to engage in outside employment providing the aforementioned services.

Please be advised of the following restrictions pursuant to 5 C.F.R. § 2635, which are relevant to your proposed outside employment. An EPA employee is prohibited from using Agency time and resources during official work hours to perform outside duties. 5 C.F.R. §§ 2635.101, 2635.704-705. Additionally, an EPA employee may not engage in outside employment or activity that conflicts with the employee's official duties. An activity or employment will conflict with official duties if it is prohibited by statute, or will require the employee's disqualification from matters central and critical to the performance of the employee's official duties. 5 C.F.R. § 2635.802. Further, you must insure that your EPA affiliation is not used to suggest any government sanction or endorsement of your services, as required under 5 C.F.R. § 2635-702(b) and (c). As you perform legal services to clients, you should be aware that 18 U.S.C. § 205, generally prohibits a federal employee from acting as the "agent" for another before any federal

government agency on matters involving a "direct and substantial interest" of the United States. This caution extends to all federal disputes.

If there is a change in the above stated factual information or if you have any questions about this matter, please contact Susan B. Schub of the Region 4 Ethics Team at ext. 2-9586.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

**FEB 07 2006**

MEMORANDUM

SUBJECT: Approval of Outside Activity

FROM: Bill Anderson, Deputy Ethics Official  
Deputy Regional Counsel

TO: *EXEMPTION 6*

The purpose of this memorandum is to respond to your request submitted January 17, 2006, seeking administrative approval to engage in outside activity by providing legal representation, while self employed, in matters involving estate planning and small business matters. You also intend to form an LLC for purpose of real estate investment. You indicate that the work will not involve entities with which you are involved in your official capacity. Furthermore, you expect that this work will involve less than 5 hours per week and will be performed entirely outside of normal duty hours.

Generally, an employee may engage in outside employment or other activity subject to certain restrictions, set forth at 5 C.F.R. § 2635 (Standards of Ethical Conduct for Employees of the Executive Branch). Based on the factual information before me and the representations made in your request, I have determined that providing legal services as indicated above is not expected to involve conduct prohibited by statute or Federal Regulation. Therefore, I approve your request to engage in outside employment providing the aforementioned services.

Please be advised of the following restrictions pursuant to 5 C.F.R. § 2635, which are relevant to your proposed outside employment. An EPA employee is prohibited from using Agency time and resources during official work hours to perform outside duties. 5 C.F.R. §§ 2635.101, 2635.704-705. Additionally, an EPA employee may not engage in outside employment or activity that conflicts with the employee's official duties. An activity or employment will conflict with official duties if it is prohibited by statute, or will require the employee's disqualification from matters central and critical to the performance of the employee's official duties. 5 C.F.R. § 2635.802. Further, you must insure that your EPA affiliation is not used to suggest any government sanction or endorsement of your services, as required under 5 C.F.R. § 2635-702(b) and (c). As you perform legal services to clients, you should be aware that 18 U.S.C. § 205, generally prohibits a federal employee from acting as the "agent" for another before any federal government agency on matters involving a "direct and substantial interest" of the United States. This caution extends to all federal disputes.

If there is a change in the above stated factual information or if you have any questions about this matter, please contact Susan B. Schub of the Region 4 Ethics Team at ext. 2-9586.

cc: Carlos Asencio



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET S.W.  
ATLANTA, GEORGIA 30303-8960

MEMORANDUM

SUBJECT: Request for Approval of Outside Employment

FROM:

*Exemption 6*

TO:

Bill Anderson, Deputy Ethics Official  
Deputy Regional Counsel

DATE:

January 17, 2006

The purpose of this memorandum is to request approval of outside employment pursuant to 5 C.F.R. § 6401.103. I am presently an Associate Regional Counsel, Office of Water Legal Support, GS 14. I will be self employed, and intend to provide legal representation in matters involving estate planning and small business matters (including, but not limited to formation of business entities, contract review, and general advice). In addition, I plan on forming an LLC for the purpose of real estate investment (ownership and management of real estate). The work will not involve entities with which I am involved in my employment and I will recuse myself if a matter related to EPA should arise. I estimate that my annual net income from this employment will total \$ *2k* or less. The work will be for various individual or small business clients or for myself (in the case of the real estate investment).

The outside employment will involve less than 5 hours per week, will be performed entirely outside of normal duty hours, and will not interfere with my official duties.

As provided in 5 C.F.R. 6401.103(b)(6) and (8), no official duty time, Government property, resources, or facilities not available to the general public will be used in connection with the outside employment. I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. §§ 2635 and 6401.102.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

**MEMORANDUM**

**FROM:** *Exemption 6*  
Risk Assessment Division  
Office of Pollution Prevention and Toxics

**THRU:** Tala Henry, Director *TH*  
Risk Assessment Division  
Office of Pollution Prevention and Toxics

**TO:** Wendy Cleland-Hamnett, Director and Deputy Ethics Official *Wendy Cleland-Hamnett*  
Office of Pollution Prevention and Toxics

**DATE:** August 25, 2015

**SUBJECT:** Request for Approval of Outside Employment

In accordance with Agency regulations on outside employment. I am submitting this Request for Approval of Outside Employment.

1. I am an Environmental Engineer assigned to the Risk Assessment Division, Office of Pollution Prevention and Toxics. My grade is GS 15.
2. The outside activities I am seeking permission to engage in are:
  - a. To teach at *EX 6* University. The subjects of my courses are Environmental Chemistry and Karate
  - b. To teach for *EX 6*. The subject of my courses are Red Cross First Aid, Basic Life Support/Cardiopulmonary Resuscitation and other health and safety classes. I am Sole Proprietor of *EX 6*
3. All work will be done outside of my working hours with the government.
4. I will not use any official duty time or government property, resources, or facilities not available to the general public in connection with the outside employment when I am engaged with this work.

5. I will be paid a fee for these courses by EX. 6 University and EX. 6
6. I am familiar with and will abide by the restrictions described in 5CFR part 2635 and Sec. 6401.102.
7. I am unaware of and EPA or U.S. government assistance agreements or contracts held by EX. 6 University. EX. 6 has no assistance agreements or contracts with EPA or the U.S. Government.

EX. 6  
Employee Signature

8/25/15  
Date

Approved:

Wendy O. Bennett

9/9/15  
Date

Disapproved:

\_\_\_\_\_

\_\_\_\_\_  
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

SEP 19 2014

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

MEMORANDUM

**SUBJECT:** Request for Approval of Outside Employment

**FROM:**

EXEMPTION 6  
Chemical Information and Testing Branch  
Chemical Control Division  
Office of Pollution Prevention and Toxics

**THRU:**

Maria J. Doa, Director  
Chemical Control Division  
Office of Pollution Prevention and Toxics

**TO:**

Wendy Cleland-Hamnett, Deputy Ethics Official  
Office of Pollution Prevention and Toxics

In accordance with the Agency's regulations located at 5 CFR 6401.103 related to seeking permission to engage in outside employment, I am submitting this Request for Approval of Outside Employment.

1. I am a Supervisory Environmental Protection Specialist, assigned to the Chemical Control Division, Office of Pollution Prevention and Toxics. My grade is GS/GM-15.
2. The outside activity I am seeking is permission to engage in is to serve as an Adjunct Assistant Professor at EXEMPTION 6 College, EXEMPTION 6. The work or services I am expected to engage in is teaching community college students.
3. The estimated time to be devoted to the activity: 0 normal duty hours.
4. The service will be performed entirely outside of normal duty hours.
5. My basis for compensation is per course taught.
6. I will not use any official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment when I am engaged in this work.

7. I will not use any official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment when I am engaged in this work.

8. I have read, am familiar with, and will abide, by the restrictions and limitations described in the applicable regulations at 5 CFR 2635.101 et seq and 5 CFR 6401.102.

9. There are no EPA assistance agreements or contracts held by my intended employer.

APPROVED: Wendy C. Bennett

DISAPPROVED:

DATE: 9/19/14

Note: Actual signatures required on forms to be presented to DEO. E-copies of finally acted upon requests will be returned to the requesting staffer and manager. Additional e-copies should be directed to the ethics files.

Edition: 8/22/14



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

**MEMORANDUM**

**To:** Wendy Cleland-Hamnett, Deputy Ethics Official  
Office of Pollution Prevention and Toxics

**Through:** Pamela Myrick, Acting Director  
Information Management Division, OPPTS

**Cc:** Scott Sherlock, Ethics Attorney Advisor, OPPTS

**From:** ~~ETEMP. 6~~; Attorney Advisor, GS-905-14  
Information Management Division

*EXEMPTION 6*

**Date:** November 25, 2015

**Re:** Approval Request for Continued Unpaid Service as Immediate Family Personal Counsel

I request approval from you in your capacity as Deputy Ethics Official for OPPT, OCSPP, pursuant to ethics regulations at Section 6401.103, for continued service that may be considered to be employment without monetary compensation, that may involve consulting services or the practice of a profession as defined in 5 CFR 2636.305(b)(1). This request was submitted and approved previously on January 26, 2007 by OPPT Deputy Ethics Official Charles Auer. The subject legal action since has progressed through the attached favorable decision by the Supreme Court of *Et 6* Specific elements required by the cited regulation are addressed below.

1. Employee's name, title and grade;

*Et 6* Attorney Advisor, GS-905-14

2. Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;

No compensation for this activity is expected since services are being performed without monetary compensation for my sister as to the wrongful death of her daughter, my niece, in 2005.

Activity includes informal discussion of legal remedies available in the wrongful death of my niece with counsel to conduct a court action; review of legal documents from my sister's private attorneys or the defendant's attorneys; review of my sister's discovery responses and of discovery responses by the defendant; attendance at depositions, site visits, court hearings, and at trial. Please note my attendance at deposition and trial may be required regardless of informal personal counsel activities, since I may be asked to act as a damage witness for my sister.

Activity does not extend to entry of a court appearance in the wrongful death action, nor to any active representation of my sister and niece in relation to defense counsel. My sister and niece formally are represented by a litigation team of private attorneys, each of whom has filed an appearance in the court action, and who conduct all active representation with defense counsel. These private attorneys bear full professional responsibility for case conduct and outcome. This reduces my activity for my sister to informal personal consultation and discussions.

3. The name and address of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next six months);

EXEMPTION b

There is only one client anticipated in this matter, my sister *et al* above.

4. The estimated time to be devoted to the activity;

The immediate time estimated to be devoted to the activity is three days of depositions. This may require 36-44 hours of accrued annual leave. Additional time may be required as the case proceeds to settlement or trial.

- 5: Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);

Most of the informal personal legal counsel provided my sister can be performed outside normal duty hours. Due to the five and six hour time difference from the East Coast time to my sister's residence, most legal counsel activity of necessity will occur outside normal duty hours. I will utilize approved annual leave for any time required during duty hours. The number of hours absence from work required at present is 44 hours. That amount of time may be required perhaps

per calendar quarter until the wrongful death case settled or is tried. In no case is the time for this single case estimated to exceed earned and accrued annual leave and other non-work time available to me as an EPA employee. Thus no scheduled work hours of EPA employment is estimated to be affected. The number of hours of absence is estimated to be less than the number of hours of leave that are now available or will become available to me.

- 6: The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;

I hereby state that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

- 7: The basis for compensation (e.g., fee, per diem, per annum, etc.);

There is no monetary compensation to me for these services. My sister's three private attorneys of record, not me, are contracted to receive compensation for successful completion of this case. My objective is to assist my sister in regaining her emotional health and to assist my sister in obtaining justice in my niece's wrongful death. I have incurred and may further incur substantial personal expense in providing these personal services to my sister and deceased niece.

- 8: The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and Section 6401.102; and

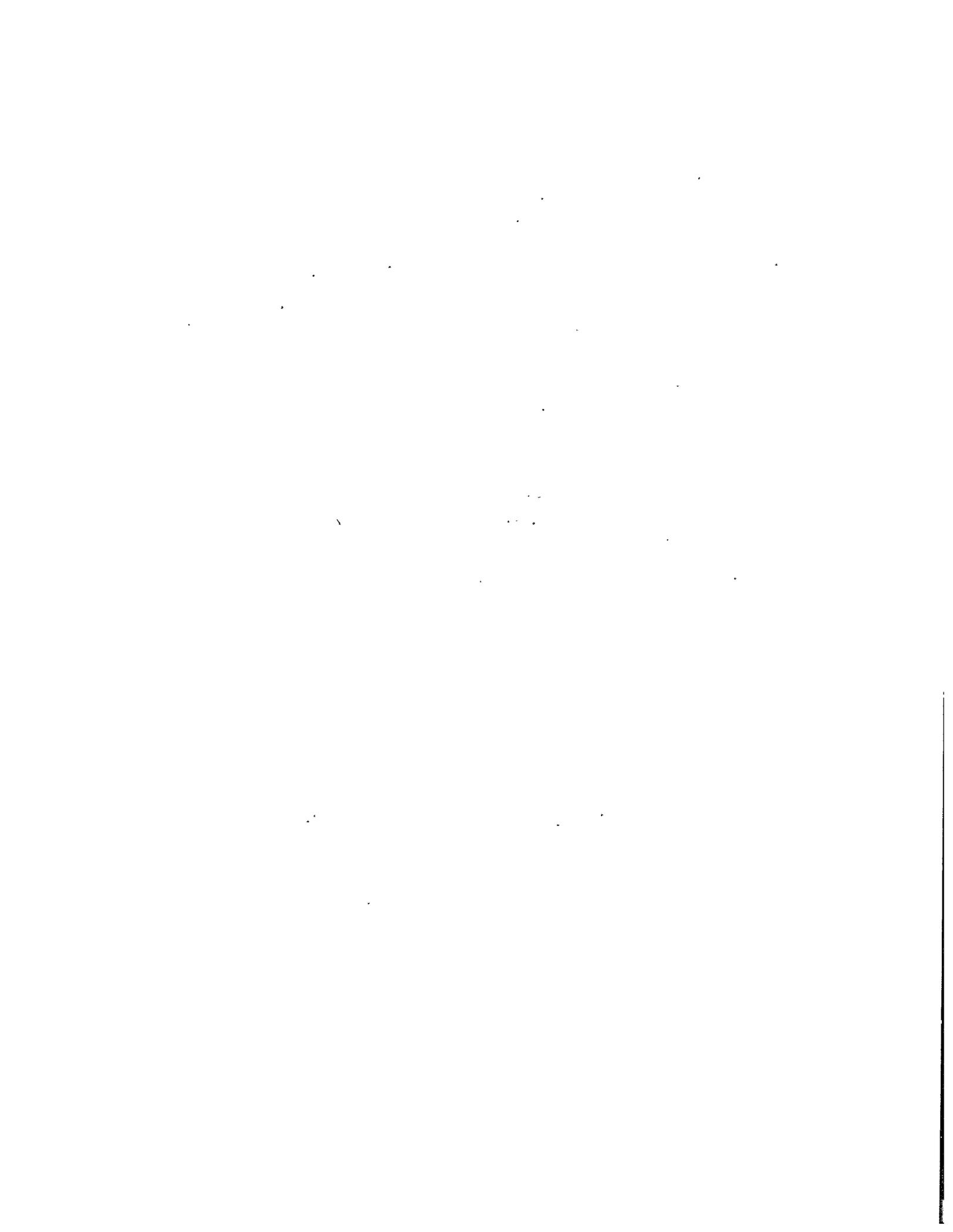
I hereby state that I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and Section 6401.102.

- 9: An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

My sister: EX-6 and my deceased niece EX-6 hold no EPA assistance agreements or contracts.

Approved: Wendy Cheland-Dunnett  
Dec. 3, 2015







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Center for Computational Toxicology

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: September 3, 2013  
SUBJECT: Request for Approval to Engage in Outside Employment  
or Other Outside Activity *EXC*  
FROM: *FOIA exemption 6*  
Developmental Systems Biologist  
National Center for Computational Toxicology  
TO: Kevin Crofton, PhD  
Acting Deputy Director  
National Center for Computational Toxicology

\*\*\*\*\*

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to renew my participation in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

[Note: Please do not delete or alter the information requested. Answer each item completely. Do not answer 'N/A']

1) Employee's name: *FOIA exemption 6*  
Title and grade: Systems Biologist, Title 4z

2) Nature of the outside activity, including a full description of the services to be performed: Editor-In-Chief  
*gy. This is a FOIA EXC journal published 8-times per year (6 regular issues, 2 special issues having guest editors). The current impact factor (2006) is 3.14. The duties of the Editor-In-Chief are as follows: (a) supervise Editorial Assistant, who tracks manuscript and*

February 7, 2011

FOIA EX6 Ph.D.  
Molecular, Cellular and Craniofacial Biology  
School of Dentistry

Dear \_\_\_\_\_

The Board of Trustees of the University of EX6 has approved your reappointment as Adjunct Professor of Molecular, Cellular and Craniofacial Biology (Gratis) in School of Dentistry, effective December 1, 2010 through November 30, 2013.

I would like to take this opportunity to thank you for your continued participation in the mission of the University of EX6 School of Dentistry. Your contributions are much appreciated.

Sincerely,

FOIA EXEMPTIONS  
FOIA EX6:

Cc FOIA EX6

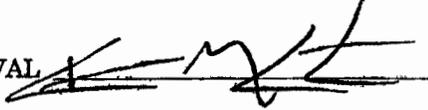
the U.S.

FOIA exemption b -  
Employee's signature September 3, 2013  
Date

2)

**DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL



3 SEPT '13  
Date

DISAPPROVAL \_\_\_\_\_

\_\_\_\_\_  
Date

outside activity ncct 2013

the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an **officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker**. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

**\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.**

1) **EMPLOYEE CERTIFICATION (Read and sign below)**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above for certain non-profit organization activities where I receive no compensation.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position*.

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or

FOIA  
EX  
6

**EDITOR-IN-CHIEF AGREEMENT**

AGREEMENT made as from this 7<sup>th</sup> of November, 2012 by and between: FOIA EX 6, whose principal office is at c/o University FOIA EXEMPTION, whose principal office is at c/o University FOIA EXEMPTION, States of America, hereinafter referred to as "the Editor",

AND

FOIA EX 6, with offices at FOIA EX 6, USA, hereinafter referred to as "the Publisher".

WHEREAS:

- a) The Publisher publishes the journal Reproductive Toxicology (the "Journal") and is the sole owner of the trademarks, copyrights, inventory, work in process and of all other rights in and to the Journal;
- b) The Publisher wishes to appoint the Editor to act as Editor-in-Chief of the Journal and the Editor wishes to accept that appointment.

NOW, THEREFORE, in consideration of the mutual promises herein contained, the parties hereto agree as follows:

**Article 1 Editorial Organization**

The parties agree that the editorial organization of the Journal shall be as follows:

- 1.1 The current description of the scope and subject matter of the Journal (the "Aims and Scope") are attached as Annex 1.1.
- 1.2 The Journal contains mainly full length research papers, review type articles, short communications, and other interactive and ancillary material that is of special interest to the readers of the Journal ("Articles"), for which the Editor has the editorial responsibility. Each Article shall contain such electronic, interactive and/or database elements suitable for publication online as may be required by the Publisher from time to time.
- 1.3 If the Editor or the Publisher consider it necessary to redefine the Aims and Scope or the editorial policy of the Journal, or both, due to developments in the scientific discipline, the Editor, in cooperation with the Editorial Board, shall draft and forward such proposals to the Publisher for approval.
- 1.4 Members of the Editorial Board for the Journal will be selected on the basis of expertise and standing within the scientific discipline, knowledge of the subject matter, anticipated involvement and activity on behalf of the Journal, and reflection of the actual or anticipated geographic scope

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of the scientific discipline of the Journal. The Publisher will in consultation with the Editor, appoint the Editorial Board for the Journal.

- 1.5 The members of the Editorial Board will assist the Editor in refereeing or in coordinating the refereeing of papers submitted for publication in the Journal. In addition the members of the Editorial Board will, in consultation with the Editor, solicit and acquire suitable Articles for the Journal and invite colleagues of high scientific standing to contribute to the Journal.
- 1.6 The Editor agrees to use his/her best efforts in cooperating with the Editorial Board and any other editors of the Journal with respect to the publication and operation of the Journal.

#### **Article 2 Editorial Responsibility**

- 2.1 The Editor will be responsible for and will have control over the scientific content of the Journal, taking into account the Aims and Scope, the Publisher's editorial policies as updated from time to time (including without limitation those on ethics in publishing at the Publisher's website) and the editorial policy of the Journal (together "the Policies").
- 2.2 The Editor agrees that, in all matters respecting the selection, editing, acceptance and refereeing of Articles, any complaints received in relation to any such Articles (whether pre- or post-publication), and relations with authors, reviewers and readers of the Journal, the Editor will conduct his/her activities in accordance with generally accepted industry standards for integrity and objectivity and with the Policies.
- 2.3 The Editor, in selecting Articles for publication, shall take all reasonable care to avoid publication of Articles that contain material of a libelous, unlawful or otherwise actionable nature, or that may for other reasons infringe any right of others, or cause damage or harm to persons or property or to the Journal's good reputation.
- 2.4 Where the Publisher has reason to believe that any Article accepted for publication contains material that may infringe copyright or any other right, or which is of a libelous, unlawful or otherwise actionable nature, or that may when published or otherwise disseminated cause damage or harm to persons or property or to the good reputation of the Journal, the Publisher shall have the right to refuse publication of any such Article or to request that appropriate changes be made to any such Article as a condition of proceeding to publication, without prejudice to the responsibility of the Editor for the scientific quality of the Journal. In the event of any complaint or claim relating to the Journal, the Editor agrees to cooperate fully with the Publisher in dealing with such complaint or claim.
- 2.5 During the term of this Agreement the Editor shall observe the interests of the Journal and shall abstain from any action that will be detrimental to the Journal. In order to ensure the scientific and commercial success of the Journal and in consideration of the Publisher's financial commitments as set forth herein, the Editor agrees that he/she shall not perform editorial activities for any other scientific journal that may reasonably be considered as being in competition with the Journal. The parties acknowledge and agree that this does not prohibit the Editor from acting as a reviewer or participating in editorial boards for other journals.
- 2.6 The Editor represents and warrants that he/she is familiar with all applicable conflict of interest

and outside compensation laws and regulations as well as policies and rules of the Editor's employer or institution (if applicable), and that the Editor's acceptance of this appointment, and the terms of this Agreement and the Editor's performance under this Agreement, including the Editor's participation in editor conferences, trainings and meetings and acceptance of transportation, hospitality, food and lodging provided by the Publisher to Editor in connection therewith, is and will be in compliance with those laws, regulations, policies and rules.

### **Article 3 Publication Process**

- 3.1 During the term of this Agreement, the Journal shall be published according to a production schedule to be determined by the Publisher, in consultation with the Editor.
- 3.2 According to a schedule to be determined by the Publisher, the Editor shall submit, in a format acceptable to the Publisher, the required number of finished Articles, including illustrations and all relevant supplementary material. The Editor shall be responsible for ensuring an appropriate and sufficient level of submissions of Articles for publication to meet the publication goals of the Journal. If necessary, the Editor will solicit Articles to help meet such publication goals.
- 3.3 The Editor shall be responsible for selecting Articles for publication in the Journal that are consistent with the high standards essential for a reputable international scientific journal. The Editor agrees that Articles will only be accepted for publication if they are of a high scientific standard appropriately refereed (as described herein), written in English, submitted in accordance with the Journal's instructions to authors, include all electronic, interactive and/or database elements required by the Journal, and consistent with the Journal's Aims and Scope. The Editor will reject, or return for revision to the authors, Articles that do not meet these standards.
- 3.4 The Editor with the assistance of the Editorial Board will coordinate the refereeing process for submitted Articles and shall undertake all reasonable efforts to ensure that the peer-review process is an objective and unbiased review of the merits of the submitted article and its research.
- 3.5 The Editor will communicate on a timely basis with authors (and the Editorial Board and the Publisher where appropriate) regarding receipt, acceptance, revision, or rejection of the submitted Articles. The Editor shall use his/her best efforts to handle and referee Articles in an expeditious manner.
- 3.6 For the purpose of performing the editorial activities under this Agreement the Editor shall use the Publisher's preferred electronic submission system. The Editor shall use all functionality provided by that system in order to ensure that the review and publication process for the Journal operates on a timely and transparent basis and shall in addition regularly update the Publisher's database of reviewers for the Journal contained in the submission system.
- 3.7 Where requested by the Publisher, the Editor will complete the Publisher's Editor Feedback Surveys. Such surveys are normally sent once per year and request feedback on various aspects of company and journal performance.

### **Article 4 Responsibilities of the Publisher**

- 4.1 The Publisher will be responsible for and shall decide on all matters connected with the

FOIA EXEMPTION 6

production, publication and dissemination of the Journal, including without limitation the production and publication schedules, lay-out, design and embellishments, the manner, format and extent of sale, distribution, promotion and advertising, and availability of the Journal. The Publisher shall determine at its sole discretion subscription, pricing and other access terms for the journal.

- 4.2 The Publisher shall publish and disseminate the Journal at its own expense, in such style and manner and in connection with such media as is determined by the Publisher.

#### **Article 5 Financial Arrangements**

- 5.1 The Publisher shall pay to the Editor an annual editorial stipend for expenses incurred by the Editor in connection with the editorial activities under this Agreement.

The amount of the stipend shall be Twenty Thousand Dollars (\$20,000) USD each year for the term of this Agreement.

Frequency: 2 times per annum on 10th January and 1st July

Amount per payment: \$10,000 USD

- 5.2 The Publisher will provide the Editor during the term of this Agreement, without charge, one complimentary online subscription to the Journal for his/her personal use.
- 5.4 The Publisher will, without charge, provide complimentary access to ScienceDirect and Scopus to the Editor for his/her personal use during the term of this Agreement, pursuant to terms and conditions of use set and enforced by the Publisher.
- 5.5 For the avoidance of doubt, it is understood that all payments to the Editor or the Editor's designee under this Agreement will be made without deduction of taxes and contributions. The Editor and the Editor's designee shall be solely responsible for compliance with all applicable laws and regulations concerning taxes, contributions, insurance and assessments, and for payment of the same.

#### **Article 6 Ownership/Copyright**

- 6.1 As between the Editor and the Publisher, copyright and all other rights, including all electronic rights, in and to the layout, arrangement and contents of the Journal and the trademarks associated with the Journal, vest in the Publisher. The Editor acknowledges the Publisher's ownership of the Journal, including without limitation the business records, work in process, inventory, trademarks and copyright in the material contained therein and agree that it shall not claim any rights in respect thereof.
- 6.2 All work produced by the Editor in relation to the Journal and/or for the Publisher pursuant to this Agreement, including without limitation the selection, compilation and/or editing of the material published in the Journal, shall be work-made-for-hire of which the Publisher is Author-at-law, and accordingly all rights comprised in the copyright in such work shall belong entirely to the Publisher. To the extent that any of such work is determined not to be work-made-for-hire, the Editor also hereby assigns and transfers to the Publisher, to the maximum extent possible, all such right, title and interest as he/she may have in and to any of such work, the Journal and to any

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referees and authors compiled by the Editor and/or used by the Editor in connection with the Journal, and that the Publisher shall be freely entitled to continue to use such list as it sees fit following expiration or termination of this Agreement.

#### Article 8 General

- 8.1 The Publisher may assign this Agreement and all its rights hereunder to any person or party provided such assignee agrees to undertake all the obligations hereunder, but the services provided by the Editor hereunder are of a personal nature such that the Editor may not assign this Agreement without the prior written consent of the Publisher. The Editor may however assign any net sums due or which may become due to the Editor hereunder on notice to the Publisher. Permitted assignments of this Agreement shall be binding on the assigns, heirs, executors and administrators of the Editor, and upon the successors and assigns of the Publisher.
- 8.2 This Agreement represents the entire Agreement between the parties in relation to the subject matter hereof and supersedes any previous agreements whether written or oral. The provisions of this Agreement shall be severable, and in the event that any provision of this Agreement is found to be legally unenforceable, such unenforceability shall not prevent the enforcement of any other provision of this Agreement. The failure of a party to exercise or enforce any right under this Agreement shall not be deemed to be a waiver of that right, nor operate to bar the exercise or enforcement of that right at any time thereafter. This Agreement may be modified or amended only by a written document executed by both parties.
- 8.3 This Agreement shall be binding upon and inure to the benefit of the permitted successors and assigns of each party.
- 8.4 All notices under this Agreement shall be given in writing by a representative of the notifying party to a representative of the other party, and shall be effective upon actual receipt by the receiving party representative or three (3) days after deposit into overnight courier delivery service addressed to the other party at the address given herein or at such other address about which the notifying party shall have been informed from time to time.
- 8.5 Nothing in this Agreement shall be deemed to create any employer/employee, agency, fiduciary, joint venture or other similar relationship between the parties. Nothing in this Agreement shall be construed or read as a grant of power of attorney or agency from Publisher to the Editor and the Editor shall not have any power whatsoever to bind Publisher or to enter into agreements on behalf of or for the account of Publisher.
- 8.6 Regardless of the place of physical execution of this Agreement, or of its delivery, this Agreement shall be treated as though executed within the New York (the "Governing State") and shall be governed and interpreted according to the laws of that country or state; and the parties irrevocably submit to the jurisdiction of the courts of the Governing State with respect to all disputes or matters arising out of or pertaining to this Agreement.
- 8.7 The Editor shall maintain all of the Confidential Information (as defined herein) in strict confidence, will not disclose any Confidential Information to any third party other than as necessary to perform the obligations set forth in this Agreement, and will protect such information with the highest degree of care. For the purposes of this Agreement, "Confidential

FO IA EXEMPTION 6

other material produced by the Editor for the Publisher pursuant to this Agreement.

- 6.3 The Editor authorizes use of his/her name, biography, image and professional affiliations (at the Publisher's discretion) for purposes of promoting the Journal.
- 6.4 All editorial material received by the Editor in his/her capacity as Editor of the Journal during the term of this Agreement, is intended for and is the property of the Publisher and, if requested by the Publisher, shall be immediately forwarded by the Editor to the Publisher, whether or not such material has been previously reviewed by the Editor.

#### **Article 7 Duration and Termination**

- 7.1 The term will begin on January 1<sup>st</sup> 2013 and shall conclude on December 31<sup>st</sup> 2015.
- 7.2 Except as otherwise provided in this Agreement, any party may terminate this Agreement prior to the expiration of its term if the other party fails to perform any of its material obligations hereunder or is in material breach of any of its representations, warranties or covenants contained herein, provided that (if the breach is capable of remedy) the non-breaching party has provided written notice of such breach and the breach is not then cured within forty-five (45) days.
- 7.3 In the event the Editor should be unable, for any reason, to continue his or her responsibilities under this Agreement such that it is necessary to retain the services of a new editor in order to continue with the smooth operation of the Journal, the Publisher shall be entitled to terminate this Agreement on written notice to the Editor, with no further obligation to the Editor except for amounts accruing in relation to Articles published prior to the date of termination.
- 7.4 The Publisher may terminate this Agreement if it wishes to discontinue the publication of the Journal; if the Editor ceases to be professionally active upon six (6) months' written notice. In such event, the Editor shall not be entitled to any further remuneration from Publisher following termination of this Agreement except for amounts accruing in relation to Articles published prior to the date of termination.
- 7.5 The Publisher shall be entitled to terminate this Agreement on written notice to the Editor if the Editor commits a criminal act or otherwise acts in a manner likely to bring the Publisher and/or the Journal into disrepute.
- 7.6 Upon expiration or termination of this Agreement, the Editor shall give such assistance and information to the Publisher as may be necessary to facilitate the undisturbed and continued publication of the Journal and to maintain good relationships with the authors and the members of the Editorial Board and shall generally handle the transition to the incoming editor in a seamless and professional manner. The Editor shall ensure a smooth transfer of all material and administration connected with the Journal to the Publisher, or to the Publisher's designee, including without limitation all available files (print and electronic), correspondence, and unpublished editorial material that may be in existence at that time relating to preparations for publication of future Articles and any material relating to the Journal received after the date of expiry or termination.
- 7.8 The Editor hereby acknowledges that the Publisher owns and controls all rights in any list of

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#### ANNEX 1.1

Drawing from a large number of disciplines, *Reproductive Toxicology* publishes timely, original research on the influence of chemical and physical agents on reproduction. Written by and for obstetricians, pediatricians, embryologists, teratologists, geneticists, toxicologists, andrologists, and others interested in detecting potential reproductive hazards, the journal is a forum for communication among researchers and practitioners. Articles focus on the application of *in vitro*, animal and clinical research to the practice of clinical medicine. All aspects of reproduction are within the scope of *Reproductive Toxicology*, including the formation and maturation of male and female gametes, sexual function, the events surrounding the fusion of gametes and the development of the fertilized ovum, nourishment and transport of the conceptus within the genital tract, implantation, embryogenesis, intrauterine growth, placentation and placental function, parturition, lactation and neonatal survival. Adverse reproductive effects in males will be considered as significant as adverse effects occurring in females. To provide a balanced presentation of approaches, equal emphasis will be given to clinical and animal or *in vitro* work. Typical end points that will be studied by contributors include infertility, sexual dysfunction, spontaneous abortion, malformations, abnormal histogenesis, stillbirth, intrauterine growth retardation, prematurity, behavioral abnormalities, and perinatal mortality. In addition to original research articles, *Reproductive Toxicology* also publishes interpretative review articles, editorials, letters, book reviews, and conference announcements. The first section of each issue of the journal is devoted to an in-depth, timely review of research on the effect of particular chemical or physical agents on reproduction. Potential authors are encouraged to contact the Editor-in-Chief before submitting such a review.

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*Information*" means any business, financial, operational, customer, vendor and other information disclosed by the Publisher to the Editor and not generally known by or disclosed to the public or known to the Editor solely by reason of the negotiation or performance of this Agreement, and shall include, without limitation, the terms of this Agreement, subscription figures and market positioning data.

8.8 The provisions in this General article shall survive the expiration or termination of this Agreement.

IN WITNESS WHEREOF the parties have duly executed this Agreement as of the date first set out above.

EDITOR

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Ⓢ Signed document emailed to  
(a.gabriel@elsevier.com),  
December 20, 2012 - 9:36 AM PST

FOIA EXEMPTION b



EchoSign  
Document Exchange

systems biology; (b) co-mentoring of dissertation research for students/fellows (TBN); (c) virtual office for 'Reproductive Toxicology', which FOIA EXC is Editor-in-Chief (see separate outside activity request).

and the amount of compensation to be expected;\*\* None.

- 3) **The name and business of the person or organization for which the work will be done:** *Important Notice: The Emoluments Clause of the U.S. Constitution prohibits federal employees from accepting any gift, office, title or emolument, including salary or compensation from any foreign government except as authorized by Congress. Many foreign universities are arms of their government.*

Birth Defects Center (FOIA EXC)

(in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months); \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

- 4) **The estimated time (hours/days) to be devoted to the activity;** (Please indicate exact dates if known.)

1h per month

- 5) **Whether the service will be performed entirely outside of normal duty hours (yes or no)** No.

(if no, estimate the number of hours of absence from work required; if leave is requested, please provide a copy of approved SF-71);  
Will require occasional teleconferences and email communications.

- 6) **The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.) and the total amount expected;**

\_\_\_\_\_  
\_\_\_\_\_

- 7) **Identification of any assistance agreements or contracts held by the person to or for whom services will be provided.** (Must be answered, if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.) None.

\* Employment means any form of non-Federal employment, business relationship, or activity involving



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Center for Computational Toxicology

OFFICE OF  
RESEARCH AND DEVELOPMENT

DATE: September 3, 2013  
SUBJECT: Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity **Adjunct Faculty EXG (gratis)**  
FROM: FOIA EXEMPTION 6 PhD  
Developmental Systems Biologist  
National Center for Computational Toxicology  
TO: Kevin Crofton, PhD  
Acting Deputy Director  
National Center for Computational Toxicology

\*\*\*\*\*

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to renew my participation in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

[Note: Please do not delete or alter the information requested. Answer each item completely. Do not answer 'N/A']

- 1) Employee's name: FOIA EXEMPTION 6, PhD  
Title and grade: Systems Biologist, Title 42
- 2) **Nature of the outside activity, including a full description of the services to be performed:** Adjunct Faculty member, Department of Molecular, Cellular and Craniofacial Biology (MCCB), Birth Defects Center, University of FOIA EX 6 School of Dentistry. The description of services include: (a) scientific collaboration in the area of bioinformatics and

projects stay on schedule, and locate peer reviewers for the publications. I also serve as a peer reviewer for several of the publications. I am not compensated for my work on the Board, except that I do receive free copies of section publications. I declare these as gifts on my OGE-278 form as appropriate. I participate in Board activities during my lunch hour or by taking annual leave. Although the subject matter of the Section's publications relates to EPA policies and programs in many cases, I was appointed for my expertise in the subject matter rather than my official position.

For ~~EXC~~, I will be teaching a 2-hour continuing legal education course entitled "Resource Conservation and Recovery Act." The course is part of a larger program called the ~~EXC~~ Boot Camp," a 3-day introduction to environmental law offered annually in November. My duties include preparation of the PowerPoint slides and supplemental reading materials for the course and teaching the actual course session. I will not be compensated for this work. I will take annual leave to teach the course session. Although the subject matter of the course does relate to EPA policies and programs, I was hired for my expertise in the subject matter rather than my official position.

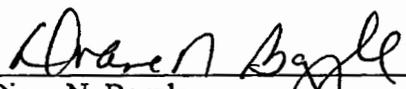
I can certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment, with the exception of an occasional e-mail to or from members of ~~EXC~~ the ABA Book Publishing Board or ~~EXC~~ and monthly conference calls with the Book Publishing Board during my lunch hour. I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635, Subpart H ("Outside Activities") and Section 6401.102 (EPA Supplemental Regulations). I do not manage any EPA assistance agreements or contracts held by ~~EXC~~ the ABA ~~EXC~~. My supervisor, Catherine McCabe, approves of these requests.

I have taught at ~~EXC~~ served on the Book Publishing Board, and taught the Boot Camp program for a number of years, and expect to do so in future years. For that reason, I would request that the approval for these requests remain in effect under the same terms for the next five years.

If you have any questions or concerns, please feel free to contact me at (202) FOIA ~~EXC~~. Thank you for your consideration of these requests.

APPROVE: \_\_\_\_\_ ✓

DO NOT APPROVE: \_\_\_\_\_

  
Diane N. Bazzle  
Director, Office of Executive Services

Note: I understand you discussed your ABA activities with Jennie Keith of OGC and will follow her counsel in all instances where ABA activities may intersect with federal employees.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUN - 4 2013

ENVIRONMENTAL APPEALS BOARD

**MEMORANDUM**

**SUBJECT:** Request for Approval of Outside Activities

**FROM:** POIA EXEMPTION 6  
Judge, Environmental Appeals Board

**THRU:** Catherine R. McCabe *CMC*  
Lead Judge, Environmental Appeals Board

**TO:** Diane N. Bazzle  
Director, Office of Executive Services

I am sending this memorandum to you in your role as Deputy Ethics Official for the Office of the Administrator. The purpose of this memorandum is to request your approval for me to engage in three outside activities for which I previously received approval before joining AO: 1) teaching a course at the FOIA EX Law School, 2) serving on the ABA Environment Section Book Publishing Board, and 3) participating in a CLE program sponsored by the FOIA EXEMPTION 6. I shared a draft of this memo with Jennie Keith of the OGC Ethics Office; she had no comments on the request.

I will be teaching a course at the law school entitled "Environmental Enforcement and Compliance." I am expected to teach eight three-hour courses over a two week period in the summer to JD, LLM, and Masters students enrolled at the school. I have taught at the school each summer since 1998 except for 2003; 2013 will be the second time I will teach the environmental enforcement course. My duties including preparation of the syllabus and lectures for the course, teaching the actual course sessions, and grading exams after the course is concluded. For these duties, I will be compensated \$ EXC for the course. For the work prior to and after the conclusion of the course sessions, I estimate I will spend approximately thirty hours, all of which I will perform while off-duty from EPA. To teach the course sessions themselves, I will take two weeks of annual leave in July. Although the subject matter of the course does relate to my official duties, I was hired for my expertise in the subject matter rather than my official position, and my ability to accept compensation for this teaching falls within the exception for regularly-scheduled course sessions at an accredited institution.

For the ABA, I serve on the Book Publishing Board of the Section of Environment, Energy and Natural Resources. In that capacity, I help to select titles for publication by the Section, work with authors and editors of the publications to ensure

expected to be on the order of \$ 216 per hour plus expenses.

3. The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months).

Self employment consulting services potentially provided to private consulting firms (e.g. ~~FOIA EXEMPTIONS~~) or international development organizations such as the ~~FOIA EXEMPTIONS~~ or the ~~UFOIA EXEMPTIONS~~ on. Expectation of one to two clients per year.

4. The estimated time to be devoted to the activity.

10-20 days per year

5. Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required).

Approximately 50% of the service will be performed outside of normal duty hours (evenings, weekends) and 50% during normal duty hours (during which time I will request Annual Leave).

6. Employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment or activity.

I affirm that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment or activity.

7. The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.).

Compensation is at a daily rate of \$ 216 per hour plus travel expenses. This is based on standard consulting rates paid by private consulting firms and international organizations to senior international expert consultants.

8. Employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

I read, am familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Exposure Research Laboratory  
Research Triangle Park, NC 27711

October 21, 2013

OFFICE OF  
RESEARCH AND DEVELOPMENT

**MEMORANDUM**

**SUBJECT:** Request Approval to Participate in Outside Employment/Activities

**FROM:** FOIA ex. 4 / w/ FOIA exemption 6  
Associate Director for Ecology

**THRU:** Jennifer Orme Zavaleta  
Director

**TO:** Desmond Mayes  
Deputy Ethics Official

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment or activity described below. I understand that this approval must be obtained in advance of engaging in the performance of this activity and is approved only as specified in the information given below or for a period of five years. I also understand that approval shall be granted in writing and only upon a determination that the outside employment or activity is not expected to involve conduct prohibited by statute or Federal regulation, including 5 C.F.R. Part 2635 and § 6401.102.

1. Employee's Name, Title and Grade:

FOIA exemption 6  
Associate Director for Ecology ES-401  
EPA/ORD/National Exposure Research Laboratory

2. Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected.

I will serve as a private consultant in areas relating to forest inventory and monitoring, specifically the design, implementation, evaluation, and applications of forest inventory and monitoring systems. This activity builds on work which I have done previously in my career as a researcher with the US Forest Service from 1989-2004. Compensation will be negotiated on a case by case basis, and is

have done previously on *EXC* projects in Argentina aimed at developing a national forest plantation inventory, and reviewing the success of the First National Inventory of Native Forest. Attached to this memo are the Terms of Reference describing the activities in more detail.

I expect total compensation of approximately \$ *EXC* - \$ *EXC* including salary and travel expenses, depending on the actual number of days needed to complete the work.

3. The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months).

*FOIA EXEMPTION 6*

4. The estimated time to be devoted to the activity.

10-15 days.

5. Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required).

Approximately 8 days of the service will be performed outside of normal duty hours, and 7 days during normal duty hours (during which time I will request Annual Leave).

6. Employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment or activity.

I affirm that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment or activity.

7. The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.).

Compensation is at a daily rate of \$ *600* per day plus travel expenses. This is based on standard consulting rates paid by the *FOIA EXC* to senior international expert consultants.

8. Employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF RESEARCH AND DEVELOPMENT  
NATIONAL RISK MANAGEMENT RESEARCH LABORATORY  
CINCINNATI, OHIO 45268

February 16, 2010

MEMORANDUM

SUBJECT: Request Approval to Participate in Outside Employment/Activities

FROM: FOIA exemption 6  
ORD/NRMRL/IO

THROUGH: Sally C. Gutierrez, Director  
ORD/NRMRL/IO

TO: Justina Fugh  
Deputy Ethics Official for the Office of General Counsel

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment or activity described below. I understand that this approval must be obtained in advance of engaging in the performance of this activity and is approved only as specified in the information given below or for a period of five years. I also understand that approval shall be granted in writing and only upon a determination that the outside employment or activity is not expected to involve conduct prohibited by statute or Federal regulation, including 5 C.F.R. Part 2635 and § 6401.102.

1. Employee's Name, Title and Grade:

FOIA exemption 6 Ph. D.  
Deputy Director ES-401  
EPA/ORD/National Risk Management Research Laboratory

2. Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected.

I will serve as a consultant to the FOIA exemption 6 on a project in Argentina relating to forest inventory and monitoring. Specifically, I will advise the SIC and the Government of Argentina on the design and implementation of a national system of forest inventory and monitoring in order to generate data for participation by Argentina in the United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (UN-REDD). This activity builds on work which I



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Exposure Research Laboratory  
Research Triangle Park, NC 27711

October 24, 2013

OFFICE OF  
RESEARCH AND DEVELOPMENT

FOIA  
EXEMPTION  
6

Dear Mr. EXC

The attached letter confirms that FOIA EXEMPTION 6 has permission to undertake an outside activity with FOIA EXEMPTION 6 for up to 20 working days per calendar year effective October 21, 2013 through October 20, 2018.

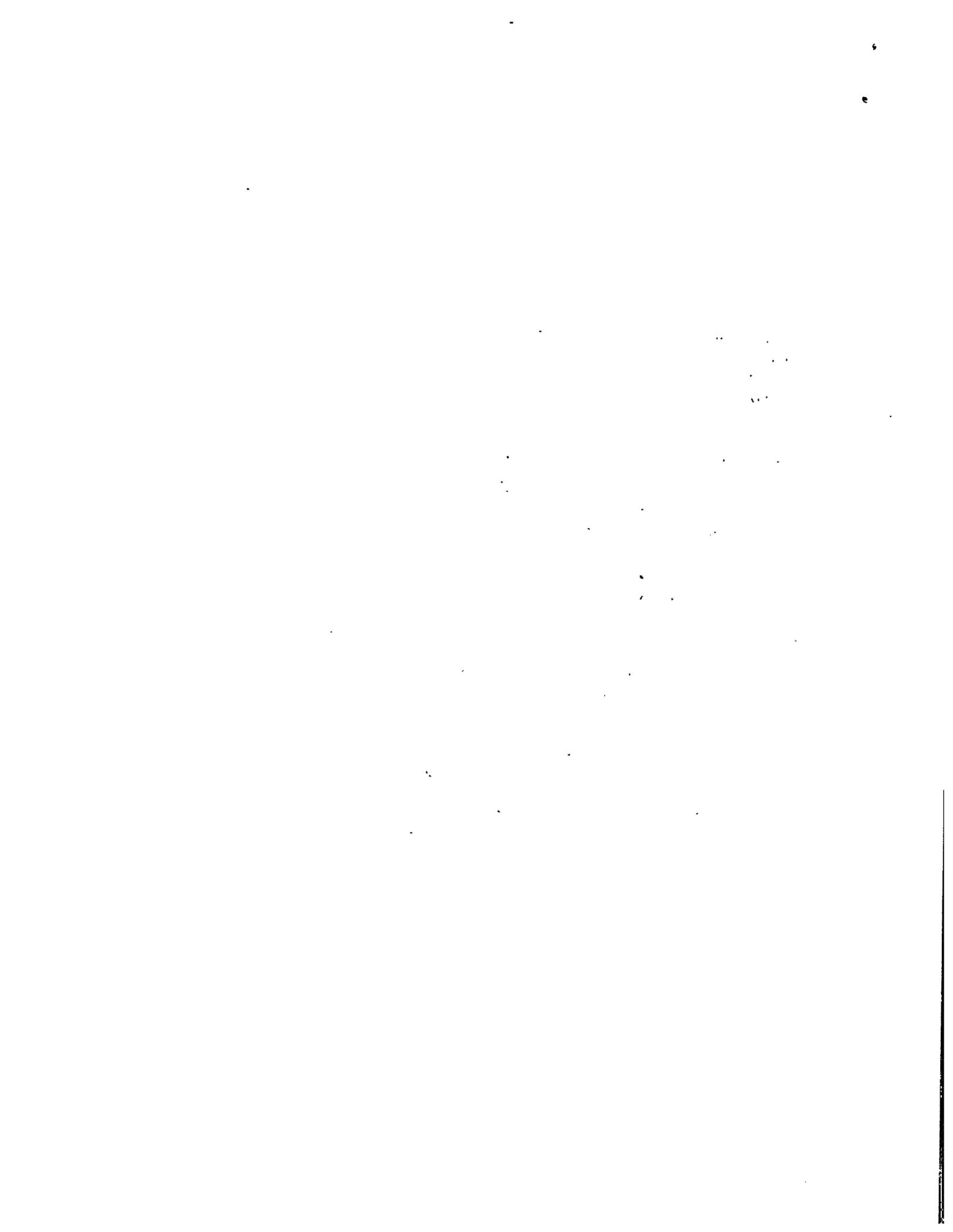
FOIA EXC will remain on this organization's payroll during this period, and will complete all work on behalf of EXC on his own personal time, either after hours or while on annual leave.

I FOIA EXC may accept compensation from FOIA EXC while participating in this outside activity in accordance with EPA Ethics guidelines, as outlined in the attached memo. EPA is aware that EXC holds one assistance agreement (noted in the attached memo) and understands that FOIA EXC outside activity participation will have nothing to do with the work under the cooperative agreement.

Sincerely,

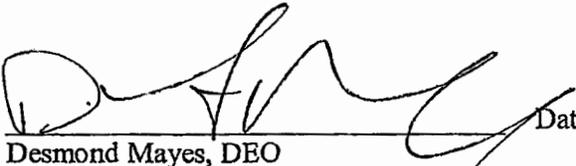
FOIA EXEMPTION 6

Desmond Mayes  
Deputy Director (Acting)  
US EPA National Exposure Research Laboratory



9. Identification of any assistance agreements or contracts held by the person to or for whom services will be provided.

FOIA ex 6 currently has a Cooperative Agreement with US EPA, number FOIA ex 6 entitled "Capacity Building and Technical Assistance on Clean and Efficient Cooking Practices. Any work that I conduct with will be funded out of FOIA ex 6 funding and will not entail any work on EPA cooperative agreements.

Approved:  Date: 10-24-13  
Desmond Mayes, DEO

Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_  
Desmond Mayes, DEO

## Fort, Daniel

---

**From:** Gillespie, Andrew  
**Sent:** Monday, July 28, 2014 10:03 AM  
**To:** Fort, Daniel  
**Subject:** Fwd: reply re: 278 questions  
**Attachments:** Gillespie Outside Act Winrock.pdf; ATT00001.htm; gillespie 2014 sf278 ver 2.pdf; ATT00002.htm

Sent from my iPhone

Begin forwarded message:

**From:** "Andy Gillespie" <[ajrgillespie@yahoo.com](mailto:ajrgillespie@yahoo.com)>  
**To:** "Gillespie, Andrew" <[Gillespie.Andrew@epa.gov](mailto:Gillespie.Andrew@epa.gov)>  
**Subject:** reply re: 278 questions

Hi Dan - thanks for the inquiries, here are my replies.

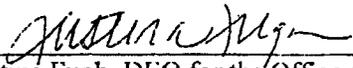
1. You are correct, I did not include the sale of QQQQ in 2013 on my form. I have amended the form to show the sale of QQQQ and the purchase of MCHFX with the proceeds (items 4 and 5 on page 5 of the revised form). Please let me know if this makes sense.
2. Copy of outside activity permission letter attached.

Please let me know if you need more information. Regards, Andy

I read, am familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

9. Identification of any assistance agreements or contracts held by the person to or for whom services will be provided.

To the best of my knowledge, the <sup>FOIA ~~ex~~</sup> does not hold any assistance agreements or grants from the US EPA.

Approved:  Date: 2/16/10  
Justina Fugh, DEO for the Office of  
General Counsel

Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_  
Justina Fugh, DEO for the Office of  
General Counsel

have done previously on ENV projects in Argentina aimed at developing a national forest plantation inventory, and reviewing the success of the First National Inventory of Native Forest. Attached to this memo are the Terms of Reference describing the activities in more detail.

I expect total compensation of approximately \$ EX4 - \$ EX4 including salary and travel expenses, depending on the actual number of days needed to complete the work.

3. The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months).

FOIA EXEMPTION C

4. The estimated time to be devoted to the activity

10-15 days.

5. Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required)

Approximately 8 days of the service will be performed outside of normal duty hours, and 7 days during normal duty hours (during which time I will request Annual Leave)

6. Employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment or activity.

I affirm that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment or activity.

7. The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.)

Compensation is at a daily rate of \$ EX4 per day plus travel expenses. This is based on standard consulting rates paid by the FOIA EXC to senior international expert consultants.

8. Employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

- b) Input to FOIA ~~EXC~~ Aide Memoires" and reports for forest inventory and monitoring information.
- c) Presentation powerpoints (optional)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF RESEARCH AND DEVELOPMENT  
NATIONAL RISK MANAGEMENT RESEARCH LABORATORY  
CINCINNATI OHIO 45268

February 16, 2010

MEMORANDUM

SUBJECT: Request Approval to Participate in Outside Employment/Activities

FROM: FOIA EXEMPTION 6  
ORD/NRMRL/IO

THROUGH: Sally C. Gutierrez, Director *Sally C. Gutierrez*  
ORD/NRMRL/IO

TO: Justina Fugh  
Deputy Ethics Official for the Office of General Counsel

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment or activity described below. I understand that this approval must be obtained in advance of engaging in the performance of this activity and is approved only as specified in the information given below or for a period of five years. I also understand that approval shall be granted in writing and only upon a determination that the outside employment or activity is not expected to involve conduct prohibited by statute or Federal regulation, including 5 C.F.R. Part 2635 and § 6401.102.

1. Employee's Name, Title and Grade:

FOIA EXEMPTION 6, e. Ph. D.  
Deputy Director ES-401  
EPA/ORD/National Risk Management Research Laboratory

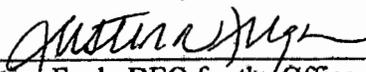
2. Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected.

I will serve as a consultant to the FOIA EXEMPTION 6 on a project in Argentina relating to forest inventory and monitoring. Specifically, I will advise the Bank and the Government of Argentina on the design and implementation of a national system of forest inventory and monitoring in order to generate data for participation by Argentina in the United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (UN-REDD). This activity builds on work which I

I read, am familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

9. Identification of any assistance agreements or contracts held by the person to or for whom services will be provided.

To the best of my knowledge, the FOIA ~~EXC.~~ does not hold any assistance agreements or grants from the US EPA.

Approved:  Date: 2/18/10  
Justina Fugh, DEO for the Office of  
General Counsel

Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_  
Justina Fugh, DEO for the Office of  
General Counsel

1  
2  
3

**Terms of Reference  
Forest Inventory and Monitoring Specialist**

- March 2010

**Summary**

Under the direct supervision of FOIA EX 6 Task Manager and in close cooperation with other team members, the consultant will participate in the FCPF lending activities for Argentina.

**Background**

The Forest Carbon Partnership Facility (FCPF) proposes to assist Argentina to prepare themselves to participate in a future, large-scale system of positive incentives for Reductions of Emissions from Deforestation and Degradation (REDD). This will include, but is not limited to: (i) determining a national reference scenario based on historical emissions from deforestation and degradation and, where needed and feasible, an assessment of how these emissions would evolve in the future; (ii) preparing a national REDD strategy; and (iii) establishing a monitoring system for emissions from deforestation and forest degradation.

**Work to be conducted**

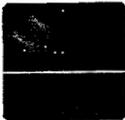
For the FCPF Activity in Argentina (FOIA EXEMPTION 6 5 days)

The consultant will:

- a) Review and provide comments to the proposed R PLAN PROPOSAL to ensure quality input on elements and activities relating to forest inventory and monitoring, as well as information and analyses that may accompany data capture, required for determining the state and change of forests and forest carbon stocks, with specific attention to the REDD requirements.
- b) Participate in a FOIA EX 6 sponsored mission to Argentina and provide guidance to the FOIA EX 6 and Argentine Govt. relative to best practices for forest inventories and monitoring that Argentina may want to consider in the development of their REDD monitoring system. Conduct workshops and ad presentations on these themes in Argentina.
- c) Elaborate written reports to address the activities outlined above.

**Deliverables**

- a) Written comments to R-PP drafts for Argentina, and strategic input in the form of dialogue and written advice as may be necessary to support the development of REDD strategies in the respective countries.
-



Re: Outside Position Memo for ~~FOIA EXC~~  
 Justina Fugh to: ~~FOIA EXC~~  
 Cc: Beverly McKenna, Sally Gutierrez

02/19/2010 10:50 PM

Hi, ~~EXC~~

I have reviewed and approve your request to engage in compensated outside activity to serve as a consultant to the ~~FOIA EXC~~ on a project in Argentina related to forest inventory and monitoring. See attached pdf file.



~~EXC~~ approval.PDF

I determined that this activity is not related to any official EPA policy, program, or operation, so you may receive compensation for it. Moreover, I have determined that the ~~FOIA EXC~~ is not considered a "foreign government" for the purposes of the emoluments clause of the US Constitution. Because you are consulting in your personal capacity, which we believe includes aspects of speaking and writing, you are advised to abide by the restrictions of 5 CFR 2635.807(b)(1) in making reference to your official title and position. Under this provision, you may not use or permit the use of your title or position in connection with this activity unless it is offered as one of several biographical details with EPA not having any undue prominence. You are also reminded not to misuse your federal position for the advantage of your client or yourself.

Because you will be receiving compensation, you will have to report this source of income on your SF-278 to be filed next year. You will have to report it on Schedule A, any gifts of travel under Schedule B Part II, and Schedule D Parts I and II. In addition, you will have a full 18 USC 208 conflict of interest with the World Bank, so you cannot participate in any particular matter that involves them as member of a class or as a specific party. Examples that come to mind are: (1) they ask you to speak in your official capacity at a conference, or (2) you are asked to review a travel request for approval of non-federal entity funding and the source is the World Bank. You cannot participate in those matters at all.

Remember that you cannot engage in this activity on government time or government premises. The Agency's limited personal use of government equipment policy does not extend to any "for profit" activity including compensated outside activity. You will therefore need to conduct all business on your own time, at your own expense, and off government premises. I will print out a copy of this approval for your financial disclosure file.

Justina

Justina Fugh \* Senior Counsel for Ethics \* Office of General Counsel \* US EPA (Mail Code 2311A) \* Room 4308 Ariel Rios North \* Washington, DC 20460 \* phone 202-564-1786 / cell 202-731-3631 / fax 202-564-1772

Sally Gutierrez

~~Justina, Attached is the memo for your review re:~~

~~02/17/2010 01:12:04 PM~~

From: Sally Gutierrez/CI/USEPA/US  
 To: Justina Fugh/DC/USEPA/US@EPA  
 Date: 02/17/2010 01:12 PM  
 Subject: Outside Position Memo for ~~A FOIA EXC~~

Justina,

Attached is the memo for your review requesting approval for ~~FOIA EXC~~ to serve as a consultant to the ~~FOIA EXC~~ on a project in Argentina. Thank you so much for your assistance on this matter.

**Application for Outside Activities**

Applicant's Name: **FOIA EXEMPTION 6** Office: **ORA**  
Thru: **NANCY GRANTHAM**

Date Submitted: **09/02/2008**  
Status:  Pending  Rejected Status Date: **09/02/2008**  
 Concurred  Withdrawn  
 Approved  Other

Application Memo: **<--- Attach Memo** Expiration:  
Conditions Memo: **<--- Attach Memo**  
Approval Memo: **<--- Attach Memo**

**Please answer all questions:**

Enter your current Job Description: **Regional Counsel, Region 1**

- 1 Nature of the outside activity/employment, including a full description of the services to be performed:  
**Represent my ~~EXOR~~ in a trespass and land boundary dispute with her neighbor in state district court and state superior court.**
- 2 Amount of compensation expected, if any  
**None.**
- 3 Name and business of the person or organization for which the work will be done (if you will be self-employed, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months).  
**Self-employed, legal services; no compensation; representing only my mother.**
- 4 Estimated time to be devoted to the activity:  
**A couple hours each week, as needed, over the next six months to a year**
- 5 Indicate whether the service will be performed entirely outside of normal duty hours if not, estimate the number of hours of absence from work required:  
**All work will be performed outside normal duty hours, except for any court appearances (for which annual leave will be used) and any brief, necessary phone calls with the court or other lawyers that must be made during normal business hours.**
- 6 If the outside activity/employment will include consulting or professional services to institutions which have or may seek federal assistance agreements or contracts please note the assistance agreements or contracts involved. Include full details of any service which involves preparing grant applications, contract proposals or program reports. Indicate the basis for compensation (e.g. fee per diem, per annum, etc.)  
**None.**
- 7 Describe the basis for compensation (e.g., fee, per diem, per annum, etc.)  
**None**
8. **Employee Statement:**  
**I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and & 6401 102. No official duty time or government property resources or facilities not available to the general public will be used in connection with the outside activity/employment**  
 Agree  Disagree

 Fo: AEXC /R1/USEPA/US  
09/03/2008 05:54 PM

To Fugh.Justina@EPA.GOV@EPA  
cc Leann Jensen/R1/USEPA/US@EPA  
bcc  
Subject Re: approval of outside activity 

justina - thanks for your prompt response!

leann - thanks for steering me to the right form and quickly getting this down to ogc for approval!

Justina Fugh/DC/USEPA/US

 Justina  
Fugh/DC/USEPA/US  
09/03/2008 05:04 PM

To Fo: AEXC /R1/USEPA/US@EPA  
cc Leann Jensen/R1/USEPA/US@EPA  
Subject approval of outside activity

Dear EXC,

I have received your request to engage in outside activity, not for compensation, to represent your ~~partner~~ in a trespass and land boundary dispute with her neighbor in state court. Based on the information you have provided in your fax, I am approving your request. Please note that, generally, an approval for outside employment remains valid for five years, though you must request a new approval should there be a change in the nature or scope of your duties. Don't forget, though, that you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the US is a party or has a direct and substantial interest. See 18 USC 205. It does not appear that the United States is a party, but please note that there is an exception to this statute that will allow you to represent a family member in such an action without triggering the conflict of interest.

I will put a copy of this approval in your SF-278 file along with the request for approval. As always, if you have any questions, please feel free to contact me at 564-1786.

Best wishes,  
Justina

Justina Fugh \* Senior Counsel for Ethics \* Office of General Counsel \* US EPA (Mail Code 2311A) \* Room 4308 Ariel Rios North \* Washington, DC 20460 \* phone 202-564-1786 / cell 202-731-3631 / fax 202-564-1772

**For teaching, speaking, or writing, also include the following certifications:**

- f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position*.
- g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.
- h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.
- i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

FOIA  
EXEMPTION  
6  
\_\_\_\_\_  
Employee's signature

Nw 1/11  
\_\_\_\_\_  
Date

**DEPUTY ETHICS OFFICIAL APPROVAL**

**APPROVAL:**

Wayne Caseio  
Wayne Caseio, Deputy Ethics Official for ~~EPA~~ Date

11/4/2011  
Date

**DISAPPROVAL:**

\_\_\_\_\_  
Wayne Caseio, Deputy Ethics Official for ~~EPA~~ Date



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

**DATE:** October 31, 2011

**SUBJECT:** Request for Approval to Engage in Outside Activity

**FROM:** FOIA EX. 6 Ph.D.  
Clinical Research Branch  
Environmental Public Health Division

**THROUGH:** Amy Diggers  
Assistant to Deputy Ethics Official for EPHD

**TO:** Wayne Cascio, M.D.  
Deputy Ethics Official for EPHD

As required by C.F.R. Title 5 Chapter LIV Part 6401.102, I am requesting your approval to participate in the outside activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

- 1) *Employee's name, title and grade:*  
FOIA EXEMPTION 6  
Chief, Clinical Research Branch  
AD
- 2) *Nature of the outside activity, including a full description of the services to be performed:*  
Adjunct faculty appointment to the Curriculum of Toxicology program, University of FOIA EXEMPTION 6. Services include: giving lectures to students as part of course work, setting questions for students' exams, mentoring students, serving on students' thesis committees and assisting in organization and recruitment into the program.
- 3) *The name and business of the person or organization for which the work will be done:*  
Curriculum of Toxicology program, University of FOIA EXEMPTION 6  
(in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):
- 4) *The estimated time (hours/days) to be devoted to the activity (please indicate exact dates if known):*  
An estimated 36 hours/year would be spent on this activity.

the views of the agency or the US.

FOIA EXEMPTION 6 3/17/03  
Employee's signature Date

2) **DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL John Vandenberg 3/31/03  
DATE

DISAPPROVAL \_\_\_\_\_  
DATE

revised 7/16/98

\*Notes:

Receives about \$500 per hour or \$ Extra day for  
the review per quarter - For 2003 - travel  
and fee at ~ \$10000 - COSTS

7/13/04 John Vandenberg per  
FOIA exemption 6

proposals sent to CARB and makes recommendations regarding funding. In addition, the RSC makes recommendations as to potential areas of future research.

- 3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months)

State of California  
Air Resources Board

- 4) The estimated time to be devoted to the activity; (Please indicate exact dates if known)

This is a one year appointment, that can be renewed for up to 3 years. The board has bi-monthly conference calls to discuss business (each call lasts 2-3 hours) and meets in Sacramento twice a year (each meeting lasts two days). In addition, time is needed to review grant proposals (estimated 20 hours per year).

- 5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71);

All reviews will take place outside of normal working days. Annual leave will be used for conference calls and trips to Sacramento.

- 6) The basis for compensation (e.g., fee, per diem, per annum, etc.);

Compensation will be provided for travel costs associated with travel to Sacramento (airfare, hotel, per diem).

- 7) Identification of an assistance agreements or contracts held by the person to or for whom services will be provided.

None.

\*Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an **officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker**. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participating in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL HEALTH & ENVIRONMENTAL EFFECTS RESEARCH LABORATORY  
OFFICE OF RESEARCH AND DEVELOPMENT  
RESEARCH TRIANGLE PARK, NC 27711  
(919) 966-6200  
(919) 966-6212 FAX

DATE: March 17, 2003

SUBJECT: Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity

FROM: FOIA EXC Chief  
Clinical Research Branch

THROUGH: Debra Walsh *Debra Walsh*  
Program Analyst, HSD

TO: John Vandenberg, Acting Director  
Human Studies Division  
Deputy Ethics Official, HSD

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and SS 6401.102.

- 1) Employee's name, title and grade

FOIA EXEMPTION  
Chief, Clinical Research Branch  
GS15/07

- 2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected\*\*

I have been asked to serve on the Research Screening Committee (RSC) of the California Air Resources Board (CARB). This committee evaluates research

5/2/07  
Does not refer to EPA position at all.  
Makes no representations to feds.  
per telecon w/ JF

DISAPPROVAL

DATE

DATE

revised 7/16/98

1)

### EMPLOYEE CERTIFICATION

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and § 6401.102;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity.

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographic information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity is extended to me primarily because of my expertise in this particular subject matter and *not because of my official position*.

g) I certify that the invitation to engage in this activity or the offer of compensation was not extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

FOIA EXEMPTION 4  
\_\_\_\_\_  
Employee's signature

2/1/07  
\_\_\_\_\_  
Date

2)

### DEPUTY ETHICS OFFICIAL APPROVAL

APPROVAL

Rebecca L. Carleton      2-2-07

**Diego, CA on Feb. 23-27, 2007.**

- 3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);  
**The ~~EPA exemption~~ Allergy, Asthma, and Immunology  
This is a non-profit research organization**
- 4) The estimated time to be devoted to the activity; (Please indicate exact dates if known)  
**I will take annual leave to travel to San Diego on Feb 23<sup>rd</sup> (a Friday).  
I will return on Feb 25<sup>th</sup> (a Sunday). In addition, I will spend  
approximately 8 hours preparing a lecture for the meeting.**
- 5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required; if annual leave is requested, please provide a copy of approved SF-71);  
**Time spent preparing the lecture will occur at night or on weekends,  
and will not involve the use of EPA computers or other equipment.  
Furthermore, all the data that will be presented are already in the  
public domain. I will not be representing EPA at this meeting.**
- 6) The basis for compensation (e.g., fee, per diem, per annum, etc.);  
**My travel expenses to San Diego, including two nights stay at a hotel,  
will be paid. In addition, I will receive a \$~~EXC~~ honorarium for giving  
my talk. This amount is comparable to honoraria being paid to other  
speakers at this meeting.**
- 7) Identification of an assistance agreements or contracts held by the person to or for whom services will be provided.  
**None**

\*Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an **officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker**. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participating in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**NATIONAL HEALTH & ENVIRONMENTAL EFFECTS RESEARCH LABORATORY**  
**OFFICE OF RESEARCH AND DEVELOPMENT**  
**RESEARCH TRIANGLE PARK, NC 27711**  
 (919) 966-6200  
 (919) 966-6212 FAX  
 burnbaum.linda@epamail.epa.gov

**DATE:** February 2, 2007

**SUBJECT:** Request for Approval to Engage in Outside Employment\*  
 or Other Outside Activity

**FROM:** FOIA EX6, Chief FOIA EX6,  
 Clinical Research Branch

**THROUGH:** Ed Struble, Acting  
 Program Analyst, HSD *Ed Struble*

**TO:** Rebecca Calderon, Director  
 Human Studies Division  
 Deputy Ethics Official, HSD

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and SS 6401.102.

- 1) Employee's name, title and grade;  
 FOIA EX6, Chief, Clinical Research Branch, GS15/8
- 2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected\*\*  
 I have been invited to make a presentation entitled "Can the Adverse Effects of Air Pollutants on Respiratory Health Be Prevented" at the FOIA EX6 Allergy, Asthma, and Immunology Meeting to be held in San

*5/2/07  
 EX6 says  
 this was unrelated  
 to any Agency  
 policy, operations,  
 programs.  
 JFrugh*

- g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.
- h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.
- i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

FOIA EXEMPTION 6  
 \_\_\_\_\_  
 Employee's Signature

12/14/07  
 \_\_\_\_\_  
 Date

**DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL:

Rebecca L. Calderon  
 \_\_\_\_\_  
 Rebecca L. Calderon, Deputy Ethics Official for HSD

12-14-07  
 \_\_\_\_\_  
 Date

DISAPPROVAL:

\_\_\_\_\_  
 \_\_\_\_\_  
 Rebecca L. Calderon, Deputy Ethics Official for HSD

\_\_\_\_\_  
 \_\_\_\_\_  
 Date

5) *Whether the service will be performed entirely outside of normal duty hours (yes or no):*

This work will be done entirely within my normal duty hours.

6) *The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.):*

No compensation is being given.

7) *Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered—if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.):*

None.

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an **officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker**. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

### EMPLOYEE CERTIFICATION

- a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.
- b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401.
- c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.).
- d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.
- e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biographical details.

**For teaching, speaking, or writing, also include the following certifications:**

- f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position*.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

**DATE:** December 10, 2007

**SUBJECT:** Request for Approval to Engage in Outside Activity

**FROM:** FOIA EXEMPTION 6  
Human Studies Division

**THROUGH:** Ed Struble  
Assistant to Deputy Ethics Official for HSD *Ed Struble*

**TO:** Rebecca L. Calderon, Ph.D.  
Deputy Ethics Official for HSD

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

1) *Employee's name, title and grade:*

FOIA EXC Acting Head  
Support Group  
GS15/09

2) *Nature of the outside activity, including a full description of the services to be performed:*

I am currently an adjunct faculty member of the Biochemistry Department (FOIA EXC School of Medicine). I would like to renew this activity for another 5 years.

3) *The name and business of the person or organization for which the work will be done:*

Department of Biochemistry  
School of Medicine

4) *The estimated time (hours/days) to be devoted to the activity (please indicate exact dates if known):*

I will spend essentially no time on this activity unless I get a trainee to mentor or teach a few lectures in a course. Any mentoring would be done on a project relevant to EPA as part of my official EPA duties.



5) *Whether the service will be performed entirely outside of normal duty hours (yes or no):*

This work will be done entirely within my normal duty hours.

6) *The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.):*

No compensation is being given.

7) *Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered—if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.):*

The ~~EXC~~ College of Veterinary Medicine has a training agreement with NHEERL, which is a vehicle by which EPA can pay the salaries of trainees mentored by EPA scientists.

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

### EMPLOYEE CERTIFICATION

- a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.
- b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401.
- c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.).
- d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.
- e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking, or writing, also include the following certifications:**

- f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position*.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

**DATE:** December 10, 2007

**SUBJECT:** Request for Approval to Engage in Outside Activity

**FROM:** FOIA EXEMPTION  
Human Studies Division

**THROUGH:** Ed Struble  
Assistant to Deputy Ethics Official for HSD *Ed Struble*

**TO:** Rebecca L. Calderon, Ph.D.  
Deputy Ethics Official for HSD

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

1) *Employee's name, title and grade:*

FOIA EX 6 Acting Head  
Support Group  
GS15/09

2) *Nature of the outside activity, including a full description of the services to be performed:*

I am currently an adjunct faculty member of the *CAAC* College of Veterinary Medicine. I would like to renew this activity for another 5 years.

3) *The name and business of the person or organization for which the work will be done:*

College of Veterinary Medicine  
FOIA EX 6 University

4) *The estimated time (hours/days) to be devoted to the activity (please indicate exact dates if known):*

I will spend essentially no time on this activity unless I get a trainee to mentor or teach a few lectures in a course. Any mentoring would be done on a project relevant to EPA as part of my official EPA duties.

- g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.
- h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.
- i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

FOIA EXEMPTIONS  
 \_\_\_\_\_  
 Employee's Signature

12/17/07  
 \_\_\_\_\_  
 Date

**DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL:

Rebecca L. Calderon  
 \_\_\_\_\_  
 Rebecca L. Calderon, Deputy Ethics Official for HSD

12-14-07  
 \_\_\_\_\_  
 Date

DISAPPROVAL:

\_\_\_\_\_  
 \_\_\_\_\_  
 Rebecca L. Calderon, Deputy Ethics Official for HSD

\_\_\_\_\_  
 \_\_\_\_\_  
 Date

5) *Whether the service will be performed entirely outside of normal duty hours (yes or no):*

This work will be done entirely within my normal duty hours.

6) *The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.):*

No compensation is being given.

7) *Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered—if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.):*

The toxicology curriculum has a training agreement with NHEERL, which is a vehicle by which EPA can pay the salaries of trainees mentored by EPA scientists.

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an **officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker**. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

### **EMPLOYEE CERTIFICATION**

- a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.
- b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401.
- c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.).
- d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.
- e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking, or writing, also include the following certifications:**

- f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position*.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

**DATE:** December 10, 2007

**SUBJECT:** Request for Approval to Engage in Outside Activity

**FROM:** FOIA EXEMPTIONS  
Human Studies Division

**THROUGH:** Ed Struble  
Assistant to Deputy Ethics Official for HSD *Ed Struble*

**TO:** Rebecca L. Calderon, Ph.D.  
Deputy Ethics Official for HSD

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

1) *Employee's name, title and grade:*

FOIA EX 6 Acting Head  
Support Group  
GS15/09

2) *Nature of the outside activity, including a full description of the services to be performed:*

I am currently an adjunct faculty member of the ~~EX 6~~ Curriculum in Toxicology. I would like to renew this activity for another 5 years.

3) *The name and business of the person or organization for which the work will be done:*

Curriculum in Toxicology  
University of ~~FOIA EX 6~~

4) *The estimated time (hours/days) to be devoted to the activity (please indicate exact dates if known):*

I will spend essentially no time on this activity unless I get a trainee to mentor or teach a few lectures in a course. Any mentoring would be done on a project relevant to EPA as part of my official EPA duties.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographic information, in which case my EPA title is given no more prominence than other significant biological details.

For teaching, speaking or writing, also include the following certifications:

f) I certify that the invitation to engage in this activity is extended to me primarily because of my expertise in this particular subject matter and *not because of my official position*.

g) I certify that the invitation to engage in this activity or the offer of compensation was not extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

FOIA EXEMPTION 6

August 22, 2013

\_\_\_\_\_  
Employee's signature

\_\_\_\_\_  
Date

DEPUTY ETHICS OFFICIAL APPROVAL

APPROVAL

Wayne S. Coon

Aug. 26, 2013  
Date

DISAPPROVAL \_\_\_\_\_

\_\_\_\_\_  
Date

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographic information, in which case my EPA title is given no more prominence than other significant biological details.

For teaching, speaking or writing, also include the following certifications:

f) I certify that the invitation to engage in this activity is extended to me primarily because of my expertise in this particular subject matter and *not because of my official position*.

g) I certify that the invitation to engage in this activity or the offer of compensation was not extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

FOIA  
EXEMPTION

August 22, 2013

\_\_\_\_\_  
Employee's signature

\_\_\_\_\_  
Date

DEPUTY ETHICS OFFICIAL APPROVAL

APPROVAL Wayne S. Carver

Aug. 26. 2013  
Date

DISAPPROVAL \_\_\_\_\_

\_\_\_\_\_  
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

**DATE:** August 22, 2013

**SUBJECT:** Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity

**FROM:** FOIA Exemption ST  
IO, EPHD

**THROUGH:** Amy Driggers  
Assistant to Deputy Ethics Official for EPHD

**TO:** Wayne Cascio, M.D.  
Deputy Ethics Official, EPHD

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and SS 6401.102.

- 1) *Employee's name, title and grade*

FOIA exemption 6  
ST 00

- 2) *Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected. \*\**

I am currently an adjunct faculty member in the \_\_\_\_\_ department of Pediatrics. I would like to renew this activity for another five years.

- 3) *The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months)*

Department of Pediatrics

Approval Granted: Kathy Petruccelli 5/7/09  
Kathy Petruccelli, Deputy Assistant Administrator

Disapproved: \_\_\_\_\_  
Kathy Petruccelli, Deputy Assistant Administrator

Date: 5/7/09

*This request meets the requirements of 5 CFR 2635.803  
& 6401, & will remain valid for 5 years unless  
the nature of the work changes or employee reports to  
a new D&O.*



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
National Health and Environmental Effects Research Laboratory

OFFICE OF  
RESEARCH AND DEVELOPMENT

**DATE:** August 22, 2013

**SUBJECT:** Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity

**FROM:** FOIA EXC, ST  
IO, EPHD

**THROUGH:** Amy Driggers  
Assistant to Deputy Ethics Official for EPHD

**TO:** Wayne Cascio, M.D.  
Deputy Ethics Official, EPHD

As required by Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and SS 6401.102.

- 1) *Employee's name, title and grade*  
  
Robert Devlin  
ST 00
- 2) *Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected; \*\**  
  
I am currently an adjunct faculty member of the ~~FCASU~~ College of Veterinary Medicine. I would like to renew this activity for another five years.
- 3) *The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months)*  
  
College of Veterinary Medicine

May 4, 2009

SUBJECT: Request for Approval of Outside Employment

FROM: FOIA exemption Director  
Office of Management and International Services

TO: Kathy Petruocelli  
Deputy Assistant Administrator  
Office of International Affairs

In compliance with 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations), I am requesting approval for outside employment. The following information is required and provided:

**Real Estate Salesperson**

- FOIA exemption Director, Office of International and Management Services, ES-340
- Real Estate Salesperson—Compensation determine by commission schedule
- FOIA ex. 6 Residential Brokerage
- Estimated time devoted—Evenings and weekends
- Service will be devoted completely outside of EPA work hours
- There will be no official government property, resources or facilities used for this employment
- Compensation-commission (none expected, current license inactive status)
- I am familiar with 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations)
- No identification of any EPA assistance agreements

FOIA ex. 6 **Reflexology Services**

- FOIA ex. 6 Director, Office of International and Management Services, ES-340
- Alternative Healing Modality
- Self employed private residence. Number of clients in next 6 months –none. Only working on emergency basis.
- Estimated time devoted— Evenings and weekends
- Service will be devoted completely outside of EPA work hours
- There will be no official government property, resources or facilities used for this employment
- Compensation-per client (none expected)
- I am familiar with 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations)
- No identification of any EPA assistance agreements

Regarding the "reference to position" rules, in course materials, catalogues, etc., I understand that I am required to either omit my EPA title or position or include it "as one of several biographical details when such information is given to identify [me] in connection with [my] teaching, speaking or writing, provided that [my] title or position is given no more prominence than other significant biographical details." 5 CFR 2635.807(b)(1).

Finally, I understand that a complete application includes my name, grade and title. My name is FOIA Ex. 6, my title is Principal Deputy Assistant Administrator for the Office of Solid Waste and Emergency Response, and I am a member of the Senior Executive Service.

I hope this provides what is needed to renew approval of my teaching. Just let me know if any more information is needed and I will be happy to provide it.

\_\_\_\_\_  
Approved

\_\_\_\_\_  
Disapproved

\_\_\_\_\_  
Date

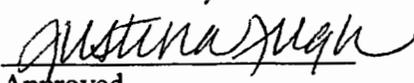
course is taught at ~~the~~ <sup>FIA ex 6</sup> University's classrooms, and my weekly class preparation is done away from the office on personal time. I write and grade exams at home, taking annual leave as needed when the workload cannot fit into evenings and weekends. Before a semester begins, if there is new material to be incorporated into course materials, I stay after hours at the office to assemble it, and then I mail it on personal postage (or I personally bring it) to the law school administrative staff for photocopying and distribution to students using law school personnel and equipment. I stay after class at the law school to meet with students. Still, students sometimes e-mail me or call me at the office, or ask to meet me during the work day.. The amount of time needed to address phone calls and e-mail is negligible and easily made up by me working in the evenings and on weekends. I accommodate requests for meetings during my lunchtime, or, occasionally, at the end of the work day.

I do not use information obtained as a result of government employment which has not been made available to the general public.

Regarding the "reference to position" rules, in course materials, catalogues, and such, I understand that I am required to either omit my EPA title and position or include it "as one of several biographical details when such information is given to identify [me] in connection with [my] teaching, speaking or writing, provided that [my] title or position is given no more prominence than other significant biographical details," as provided by 5 CFR 2635.807(b)(1).

Finally, I understand that a complete application includes my name, grade, and title. I am ~~Principal Deputy Assistant Administrator~~ <sup>FIA ex 6</sup>, Principal Deputy Assistant Administrator for the Office of Solid Waste and Emergency Response. I am a member of the Senior Executive Service.

I hope this provides what is needed to renew approval of my teaching. Just let me know if any more information is needed and I will follow up accordingly.

  
Approved

\_\_\_\_\_  
Disapproved

Date: 6/25/08

*Employee has discussed  
with her supervisor,  
who concurs JF 6/25/08*



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 10 2003

OFFICE OF  
SOLID WASTE AND EMERGENCY  
RESPONSE

SUBJECT: Request for Renewed Approval for ~~Outside~~ Employment  
FROM: ~~FOIA EX6~~ ~~FOIA EXEMPTION 6~~  
Principal Deputy Assistant Administrator  
TO: Ken Wernick, Senior Counsel for Ethics, Alternate Agency Ethics Official

This memo requests you to continue approval for my outside employment as an adjunct professor at ~~FOIA EX6~~ University law school, the ~~FOIA EX6~~ College of Law.

Sylvia Lowrance was my DEO when I was in OECA, but now that I am in OSWER, I believe you or Anna Wolgast are my DEO. Sylvia had approved this outside employment, as had prior DEO's before her. This request is that you continue that approval.

I teach two law school courses per year, always in the area of environmental law. My request is a general one to cover any two courses in the area of environmental law. Besides the course load, there are usually ancillary duties such as advising students on written work and externships and the like. Compensation is set by the law school, and I understand it depends on the usual factors such as the number of credits taught, faculty rank, and years of experience. Presently, my compensation is \$ ~~EX6~~ per 3-credit course.

The amount of time I devote to teaching differs from week to week. Considering everything, including class preparation, class itself, and after-class discussions with students, the time I devote now usually ranges from 4 - 10 hours per week normally. During exam week, I devote 15 to 30 hours. I do not use official duty time or property to perform this work, except as in compliance with EPA policies on incidental personal use of agency equipment. For example, the course is taught at ~~FOIA EX6~~ University's classrooms, and my weekly class preparation is done at home on weekends and evenings. I take annual leave to stay at home and grade exams. I stay after hours at the office to assemble class materials, which I then mail or bring to the law school secretaries for them to photocopy and distribute to students. Students do sometimes call me (or less frequently) make an appointment to see me here in the office for lunch, or near the end of the day; otherwise I work entirely outside of normal duty hours, and the time I spend talking to students during duty hours is not substantial and is easily made up by my working late in the evenings. Similarly, I do not use information obtained as a result of government employment which has not been made available to the general public.

**Fugh, Justina**

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**From:** FOIA EXC  
**Sent:** Monday, February 18, 2013 2:06 PM  
**To:** Fugh, Justina  
**Subject:** Thank you, and following up on ethics review for Advisory Boards.

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**From:** EXC  
**Sent:** Monday, February 18, 2013 2:02:39 PM  
**To:** FOIA EXC  
**Subject:** email to forward to Justina

Dear Justina,

Thank you for getting back to me so quickly last week! This is the followup the email, to request approval for me to serve on four editorial advisory boards.

+++++

My name is FOIA EXC my title is Principal Deputy Assistant Administrator, Office of Solid Waste and Emergency Response. My grade is SES.

I am requesting approval for four advisory boards, all of which are uncompensated:

1. (new) The Administrative Law Review, published by the FOIA EXC University's FOIA EXC College of Law, in conjunction with the American Bar Association's Section of Administrative Law and Regulatory Practice. The invitation says that my role would be by attending symposia and social events, occasionally fielding questions from students who are drafting scholarship, and/or liaising with colleagues who may be interested in publishing with ALR. The invitation indicates only a minor time commitment is anticipated
2. (continuing) The EXC Environmental Law Review, published by Harvard Law School. Up to once every year or two (sometimes longer in between requests), I am asked for my input on the publication, and ideas for future topics and authors. The time involved is very minor, and is either accomplished outside of normal working hours, or during the workday using de minimis amounts of time that are made up by extending the work day. I estimate I devote on average 15 minutes a year to this activity.
3. (continuing) The Environmental EXC Reporter and Environmental FOIA EXC Press, sponsored by EXC. About once a year, sometimes less frequently, I am asked for my input on EXC and EXC books, and ideas for future topics and authors. The time involved is also very minor here, and is either accomplished outside of normal working hours, or during the workday using de minimis amounts of time that are made up by extending the work day. Once, several years ago, I had lunch with the Editor. I estimate I devote on average 30 minutes a year to this activity.
4. (continuing) FOIA EXC Environmental Law and Policy Review, sponsored by FOIA EXC Law School. Once a year, I help choose articles for a special issue to be jointly developed by FOIA EXC students and the EXC EXC. I spend several hours at home on my own time reviewing candidate articles, and then participate in a one-hour conference call using a toll-free number, to discuss and recommend candidate articles. I accommodate the one-hour call by conducting it over lunch and / or extending my usual work hours that day. Total, I estimate I devote 3 to 4 hours a year to this activity.

Other than incidental use of my telephone and my office and its facilities, I will not use resources that are not available to the general public.

I have reviewed and I am familiar with Subpart H, Outside Activities, of 5 CFR Part 2635.

I do not know what EPA assistance agreements or contracts are in place with FOIA EXC University, FOIA EXC University, the FOIA EXC exemption, and FOIA EXC University.

+++++

As always, thank you for your counsel and help.

Fugh, Justina

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To: FOIA EXEMPTIONS  
Subject: approval of outside activity

Hi EXC

I have reviewed your request to engage in outside activity to serve on an advisory board for the Administrative Law Review, published by the ~~FARE~~ University's ~~FARE~~ College of Law. At my suggestion, you very kindly consolidated this new request with renewed requests to continue to engage in outside activity without compensation on three other advisory boards (The ~~FARE~~ Environmental Law Review, the Environmental ~~EXC~~ Reporter and Environmental ~~FARE~~ Press, and the Environmental Law and Policy Review). I recall that you have previously been approved to teach at American University as well.

Based on the information you have provided, I am approving all of your requests as consistent with 5 CFR Part 2635, Subpart H. Please note that, in general, an approval for outside employment remains valid for five years, though you must request a new approval should there be a change in the nature or scope of your duties or in the nature or scope of your outside activity.

Remember that you can't use nonpublic information to give the appearance that EPA supports your outside activity and you should not misuse your EPA position to further your outside activity. You should not refer to your EPA position and title solely in association with these activities. In addition, you are subject to the *de minimis* use policy with regard to the uncompensated work. As you know, you may never use EPA resources (computer, email, office) to further your teaching activity because you are compensated for that work. The limited personal use of government equipment policy does not extend to compensated outside employment, even during non-duty hours. See <http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/2101-0.pdf>.

Finally, don't forget that to report these positions on your financial disclosure report.

I'll put a copy of this approval in your file here in OGC. As always, if you have any questions, please feel free to contact me.

Cheers,  
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 Ariel Rios North | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | cell 202-731-3631 | fax 202-564-1772

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**From:** FOIA EXEMPTIONS  
**Sent:** Monday, February 18, 2013 2:06 PM  
**To:** Fugh, Justina  
**Subject:** Thank you, and following up on ethics review for Advisory Boards.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Office of Sustainable Communities

Office of Policy

**MEMORANDUM**

**DATE:** May 13, 2013

**SUBJECT:** Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity

**FROM:** ~~FOIA EXEMPTION~~ Director  
Community Assistance and Research Division (MC1807T)

**TO:** John Frece  
Deputy Ethics Official

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

1) Employee's name ~~FOIA EXEMPTION~~  
title and grade: **Director, Community Assistance and Research Division, GS 15**

2) Nature of the outside activity, including a full description of the services to be performed- **Teach two graduate level urban planning courses (Fall 2013 and Spring 2014)**

and the amount of compensation to be expected; \*\* \$ ~~EX~~ per course

3) The name and business of the person or organization for which the work will be done - ~~FOIA EXEMPTION~~ **University, College of Professional Studies**

4) The estimated time (hours/days) to be devoted to the activity; (Please indicate **exact dates** if known.) **8 to 10 hours per week**

5) Whether the service will be performed entirely outside of normal duty hours (yes or no) **Yes**

6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.); **per course**

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered—if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.) **None within the EPA Office of Sustainable Communities**

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an **officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker**. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

## 1) **EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position*.

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

FOIA EXEMPTION 6 5/13/13  
Employee's signature Date

2) **DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL Jahid Frey 5/13/13  
Date

DISAPPROVAL \_\_\_\_\_  
Date





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Office of Sustainable Communities

Office of Policy

**MEMORANDUM**

**DATE:** May 11, 2011

**SUBJECT:** Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity

**FROM:** FOIA EXEMPTION 6, Director  
Community Assistance and Research Division (MC1807T)

**TO:** John Frece  
Deputy Ethics Official

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

1) Employee's name FOIA EXEMPTION 6  
title and grade: Director, Community Assistance and Research Division, GS 15

2) Nature of the outside activity, including a full description of the services to be performed— Teach two graduate level urban planning courses (Fall 2011 and Spring 2012)

and the amount of compensation to be expected; \*\* \$ EX 6 per course

3) The name and business of the person or organization for which the work will be done — FOIA EXEMPTION 6 University, College of Professional Studies

4) The estimated time (hours/days) to be devoted to the activity; (Please indicate exact dates if known.) **8 to 10 hours per week**

5) Whether the service will be performed entirely outside of normal duty hours (yes or no) **Yes**

6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.); **per course**

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered—if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.) **None within the EPA Office of Sustainable Communities**

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an **officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker**. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

## 1) **EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position*.

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

FOIA EXEMPTION 6 \_\_\_\_\_ Date 5/13/11  
Employee's signature \_\_\_\_\_

**2) DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL John D. [Signature] \_\_\_\_\_ Date 5/17/11  
DISAPPROVAL \_\_\_\_\_ Date \_\_\_\_\_



2-9-16

FOIA  
EXEMPTION 6

Memorandum From: FOIA EXEMPTION 6, OP/OSC/FSD

Through: Chitra Kumar, OP/OSC/FSD Division Director

To: Matt Dalbey, Deputy Ethics Official  
Office of Sustainable Communities, OP/OSC

Subject: Request for Approval of Outside Employment

In accordance with the Agency's regulations located at 5 CFR 6401.103 related to seeking permission to engage on outside employment, I am submitting this Request for Approval of Outside Employment.

1. I am an Environmental Protection Specialist assigned to the Federal & State Division of the Office of Sustainable Communities. My grade is GS -14.
2. The outside activity I am seeking permission to engage in is to teach as an adjunct professor an energy and environmental policy class to undergraduates.
3. The organization and location for which the work will be done is as follows:  
University of FOIA EXEMPTION 6
4. The estimated time to be devoted to the activity: 4 hours per week for 16 weeks per year, August to December 2016 and August to December 2017.
5. The service will be performed entirely outside of normal duty hours.
6. My basis for compensation is as follows: by course-semester.
7. I will not use any official duty time or Government property, resources, or facilities not available to the general public in connection with the outside employment when I am engaged in this work.

8. I have read, am familiar with, and will abide, by the restrictions and limitations described in the applicable regulations at 5 CFR 2635.101 et seq and 5 CFR 6401.102.

9. There are no EPA assistance agreements or contracts held by my intended employer.

APPROVED: *Karina Gentle, acting for Matt DeBevoise*  
2/16/16

DISAPPROVED:

DATE: 2-16-16

Note: Actual signatures required on forms to be presented to DEO. E-copies of finally acted upon requests will be returned to the requesting staffer and manager. Additional e-copies should be directed to the ethics files.

Edition: 9/15/14

Approval of Adjunct Professor Opportunity  
Sandra Connors to: ? FOIA EXEMPTION 6  
Cc: David Hockey, Jim Berlow, Sonya Sassville, LaShan Haynos

03/06/2012 11:04 AM

EX6

I've received your request (attached below) to teach as an adjunct professor for the University of FOIA EX6 Law School's "Environmental Law: Pollution Control" Spring course and have evaluated the ethics implications.

Employees may certainly engage in outside activity and, in the case of certain teaching, may be compensated, even if the subject matter deals in significant part with their assigned duties or ongoing Agency programs, policies or operations. See 5 CFR 2635.807(a)(3). However, it is NEVER appropriate for employees to use official time to further their outside employment. Doing so violates a myriad of rules, including:

1) the Agency's limited use of government equipment policy (see <http://intranet.epa.gov/oel/limitpolicy/qic/ciopolicy/2101-0.pdf>). While that policy permits de minimis personal use of government equipment, it expressly forbids such use to further outside employment. Employees cannot use EPA space, computers, phones, fax, etc. to further outside employment; and

2) Misuse of position (property and time), 5 CFR 2635.704 and 2635.705.

Employees must be on his own time and away from federal premises to take "office hours" which is a requirement for his outside work and for which he is getting paid.

I have reviewed your memo and based on the representations in that memo, conclude that your proposed involvement does not conflict with these limitations.

The students will be lucky to have someone with your experience and energy. Enjoy your time in academia! Are you doing the course via video-feed, skype, or something like that?

Please let LaShan or I know if you have any other ethics questions pop up.



[Untitled].pdf

Thanks,  
*Sandra*

---

Sandra L. Connors  
Deputy Director, Office of Resource Conservation and Recovery  
Office of Solid Waste and Emergency Response  
US Environmental Protection Agency  
1200 Pennsylvania Avenue, Mail Code 5301P  
Washington, DC 20460  
(703)308-8642  
(703)308-0513 (fax)

MEMORANDUM

**SUBJECT:** Request for approval of outside activities

**FROM:** *form exemption, GS 14-5* 

**THROUGH:** David Hockey, Branch Chief

**TO:** Sandra Connors, Deputy Ethics Official

**DATE:** February 10, 2012

---

I would like to request approval to serve as an adjunct professor for the University at *FOIA exc* Law School's "Environmental Law: Pollution Control" Spring course. My supervisor, David Hockey, has also approved. I and two other adjuncts will teach with Professor *FOIA exc*.

I will cover RCRA, CERCLA, and CWA storm water requirements, drawing upon experiences at EPA, as counsel for the recycling industry, as a local commissioner, and as Congressional staff. Some topics relate to my official duty at EPA but the course is part of the regularly established curriculum at this institution of higher education (5 CFR 2635.807(a)(3)). I will not use official duty time or Government property, resources, or facilities not available to the general public in connection with this outside employment.

My estimated time will be 9 hours teaching, 3 hours preparing with other professors, 36 hours preparing, 3 hours of "office" time, and 36 hours grading, for a total of 88 hours. None of my work for the course will conflict with my work schedule. The basis for my compensation will be per annum (biweekly) and the amount of compensation expected is \$ *exc*. I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart II on "Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations). I have inquired and the University at *FOIA exc* Law School does not to the best of its knowledge or mine hold any EPA assistance agreements or contracts.

Please let me know if you have any questions or would like any additional information. Thank you.

**CC:** LaShan Haynes



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF THE  
SCIENCE ADVISOR

**MEMORANDUM**

**DATE:** Response to Request for Approval for Outside Employment dated April 5, 2012

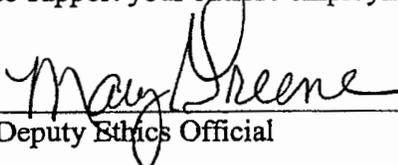
**FROM:** Mary Greene,  
Deputy Ethics Official

**TO:** FOIA EXEMPTION 6  
Senior Program Analyst

Based on my reading of this request and of 5 CFR part 2635 and §6401.102, I have determined that this outside employment is not expected to involve conduct prohibited by status or regulation, including 5 CFR 2635 and §6401.102. Therefore your request for outside employment is APPROVED. This approval pertains to the requested actions over the period fiscal year 2012.

If there is a change in the nature or scope of the duties performed or the nature of your business you must submit a revised request for review approval.

As noted in your request, no official duty time, government property, resources or facilities will be used to support your outside employment.

  
\_\_\_\_\_  
Deputy Ethics Official

4/16/12  
\_\_\_\_\_  
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

**MEMORANDUM**

OFFICE OF THE  
SCIENCE ADVISOR

DATE: April 5, 2012

SUBJECT: Request for Approval for Outside Employment

FROM: FOIA EXEMPTION 6 - FOIA  
Senior Program Analyst, GS15 EX. 6

TO: Mary Greene,  
Deputy Ethics Official

I am formally requesting permission to accept an opportunity to work in Real Estate in the Virginia area. The *Supplemental Standards of Ethical Conduct for Employees of the Environmental Protection Agency* requires that the employee's request for approval of outside employment shall be submitted, in writing, to his or her Deputy Ethics Official. This memorandum serves that purpose.

- *Real Estate in the Virginia Area 25% compensation*
- *FOIA EX. 6 L.C.*
- *25%*
- *Service will be performed entirely outside of normal duty hours.*
- *The basis for compensation (per annum)*
- *An identification of any EPA assistance agreements for contracts held by a person to or for whom services would be provided. } NONE*

I will use no official duty time or Government property, resources, or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and § 6401.102.

Michael J. Bender

Date: 4/5/2012

DATE: March 3, 2010

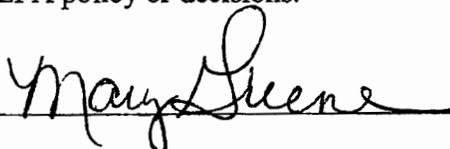
SUBJECT: Request for Approval to Engage in Outside Activity

FROM: : FOIA EXEMPTION b FOIA EXEMPTION b  
Biologist GS 14

TO: Mary Greene  
Deputy Ethics Official

I am requesting approval to participate in an outside activity. The Position is Secretary/Treasurer of the Dose-Response Specialty Group (DRSG) of the FOIA EXEMPTION b GAG. GAG is a multidisciplinary, interdisciplinary, scholarly, international society that provides an open forum for risk analysis. This is a two-year term which expires in December 2010. The Primary duty is to maintain meeting minutes and track finances of the group. There is no compensation for this position. The estimated time to be devoted to this activity is 20 – 30 hours per year. Monthly DRSG meetings are one-hour in length and are held at noon on the first Tuesday of each month. The meetings alternate between business meetings and technical seminars related to dose response issues. Additionally, I have been asked to serve on the Program Committee for the upcoming EXG Annual Meeting which will hold an all-day meeting on June 16, 2010. I am not aware of any EPA assistance agreements or contracts held by EXG. EXG is a forum for discussion of risk analysis issues, but does not provide comments or otherwise attempt to influence EPA policy or decisions.

Approval

  
\_\_\_\_\_

Disapproval \_\_\_\_\_





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Washington, D.C. 20460

MAR 14 2013

OFFICE OF  
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Approval of Outside Activity

FROM: Justina Fugh *Justina Fugh*  
Alternate Designated Agency Ethics Official

TO: FOIA EXEMPTION 6  
Regional Administrator  
Region VII

I am writing in response to your request of February 20, 2013, to engage in outside activity. You have been invited to write a chapter in a book to be published by FOIA EXEMPTION 6 Press and entitled "The Guide to U.S. Environmental Policy." You indicate that your chapter will be about American environmental policy during the postwar period (1945-1990). That period in part predates the creations of EPA, and you state that you foresee limited discussion of EPA in your chapter. You indicate that compensation is offered, though you will be willing to forego it if necessary.

APPROVAL OF THE OUTSIDE ACTIVITY

I determine that you may accept this opportunity to write the chapter, but caution you against accepting any compensation. Because you are appointed to a non-career SES position, you are prohibited by 5 C.F.R. § 2635.807(a)(2)(E)(3) from accepting compensation for any teaching, speaking or writing that relates to "the general subject matter area, industry, or economic sector primarily affected by the programs and operations of [your] agency." Because the subject matter of environmental policy is generally related to your official duties, you must decline the honorarium and any other form of compensation other than a few copies of the final book.

## REFERENCE TO OFFICIAL POSITION

Because you will be engaging in this activity in your individual and personal capacity, you cannot make reference to your EPA position and title alone. If you refer to EPA at all, you must do so as one of several biographical details, ensuring that EPA does not have any undue prominence. In addition, we recommend that if you refer to your EPA position at all, then you must also include a prominent disclaimer that the views expressed are yours alone and not necessarily those of the Agency or the United States Government and that you are writing in your personal capacity only. 5 C.F.R. § 2635.807(a)(3)(b). You should also advise the publisher not to use your EPA position or title to advertise or market the book.

## MISUSE OF POSITION

Please also bear in mind that you cannot reveal non-public information or disclose information that the Agency considers confidential. 5 C.F.R. § 2635.703. You must conduct this activity on your own time, without use of EPA resources, equipment or subordinates.

## CONCLUSION

This approval is specific to your request to write a chapter in a book to be published as described above. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request for approval if there is a change in the nature or scope of the duties or services performed in this outside activity.

While you will have a covered relationship with the other authors and the publisher, I do not expect that there will be instances in which they will interact with you in your official EPA capacity. Therefore, I do not believe you need to revise your existing recusal statement to include them. That said, please remember that you should not engage with either the authors or the publisher as part of your official duties unless and until you first consult with an ethics official.

If you have any questions, please feel free to contact me at 202 564-1786 or contact Kathleen Clever, Assistant Deputy Ethics Official, at 913 551-7293.

2126 545 3/19/1



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7

11201 Renner Boulevard  
Lenexa, Kansas 66219

OFFICE OF THE  
REGIONAL ADMINISTRATOR

FEB 20 2013

MEMORANDUM

SUBJECT: Request for Approval of Outside Activity

FROM: FOIA EXEMPTION 6  
Regional Administrator, ES-4400d

THRU: Bob Perciasepe  
Acting Administrator

TO: Brenda Mallory,  
Designated Agency Ethics Official and Acting General Counsel

RECEIVED  
2013 FEB 26 PM 3:33  
OFFICE OF THE  
EXECUTIVE SECRETARIAT

FOIA EXEMPTION 6  
FOIA EXEMPTION 6  
Bob Perciasepe

I have been asked by a historian colleague ( FOIA EXC ), who is co-editing a forthcoming book to be published by FOIA EXEMPTION 6 Press, to write a chapter about American environmental policy during the postwar period (1945-1990). The topic primarily predates EPA's creation and I foresee only limited discussion of the agency. DIAC told me the other authors are primarily university scholars in various legal, history and policy disciplines. The following information was included in the invitation:

'( FOIA EXEMPTION 6 ) [will be working with FOIA EXC; LLC], along with FOIA EXC and ( FOIA EXEMPTION 6 Press, to develop a new, authoritative Public Policy Guide. ... The Guide to U.S. Environmental Policy will investigate analytically the fundamental economic, political, social, and process challenges and initiatives that drive public policy decisions affecting the nation's environmental stability and success. In topical and relational essays, contributors will show undergraduate and graduate researchers how issues and actions are translated into policies and institutions. ... Chapters will run about 8,000 words, and as a contributor, you will receive a small honorarium, frontmatter and byline credit, and a complimentary copy of this substantive title when published. EXC and EXC, the FOIA EXC editors, will review your manuscript and be able to answer questions along the way. Further, 'EXC's Editorial Director, FOIA EXEMPTION 6 with years of experience editing works of history and political science, will help guide the process.'

If appropriate, I would like to write the requested chapter to keep my scholarly work current. I estimate that the time to be devoted to this activity will be 60 hours in total over a period of several months. I will perform this work entirely outside of normal duty hours, and no official duty time or government property, resources or facilities not available to the general public will be used in connection with this work. To my knowledge, the editors and publishers of this book do not hold any EPA assistance agreements or contracts.

I have read and will abide by the restrictions described in 5 CFR part 2635 and part 6401.



Printed on Recycled Paper

I am not interested in compensation for this writing. As stated the honorarium will be small, and if I had to decline it as a condition of federal law, I'd be fine with that. I would ensure that any description of me as a contributing author would mention only that I am presently employed by EPA, and make it clear that I am writing in my individual capacity on not on behalf of the agency.

by :

cc: Justina Fugh, Senior Counsel for Ethics

5.5.17 6:55 PM



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

MAR - 6 2012

**MEMORANDUM**

**SUBJECT:** Request for Approval of Outside Activity

**FROM:** FOIA EXEMPTIONS Deputy Regional Administrator

**THRU:** Gwendolyn Keyes Fleming Regional Administrator

**TO:** Justina Fugh  
EPA Ethics Official

The purpose of this memorandum is to request permission to engage in outside activity by writing an article entitled, "Leading at the Intergovernmental Boundary: EPA's Regional Offices," to be included in a book entitled "FOIA EXEMPTIONS" edited by FOIA EXEMPTIONS of FOIA EXEMPTIONS and FOIA EXEMPTIONS of FOIA EXEMPTIONS University, to be published by FOIA EXEMPTIONS Press in the fall of 2012.

I will not be compensated for writing this article. The writing will be conducted entirely outside my normal duty hours, and I will not use any official government property, resources or facilities not available to the general public in connection with preparing for, or performing, this writing. In addition, I will include in the article a disclaimer that states that the article is written by me in my personal capacity only and not as part of my official duties, and that the views expressed are my own and not necessarily those of the United States Environmental Protection Agency or the United States government. There will be a short biography in the book, which will state:

A. FOIA EXEMPTIONS is the Deputy Regional Administrator of EPA Region 4 in Atlanta, Georgia, a position he has held since 1996. He began his career with EPA in 1977 and has served in a variety of positions with the Agency. FOIA EXEMPTIONS holds the B.A. degree from FOIA EXEMPTIONS University and M.A. and Ph.D. degrees in political science from The FOIA EXEMPTIONS University.

Thank you for your consideration of this request.

Approved: Justina Fugh  
Senior Counsel for Ethics / ADAEO  
3/9/12



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

Supplemental Information for Request for Approval of Outside Activity for FOIA EXEMPTION 6

Grade: ES-340-00

Estimated time to be devoted to this activity: 20 hours over a two month period

I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on "Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations)

To the best of my knowledge, there are no EPA assistance agreements or contracts held by either of the editors of the book or by Lexington Press.

FOIA EXEMPTION 6

3/9/2012  
Date



Fw: Outside Activity Request - EMECS 9 Conference August 28-31

FOIA EXC to: Daniel Fort

06/20/2012 10:00 AM

From: FOIA EXC DC/USEPA/US  
To: Daniel Fort/DC/USEPA/US@EPA

FYI

— Forwarded by FOIA EXC DC/USEPA/US on 06/20/2012 09:59 AM —

From: Teresa Runna/DC/USEPA/US  
To: FOIA EXC DC/USEPA/US@EPA  
Cc: Michael Stahl/DC/USEPA/US@EPA  
Date: 08/12/2011 03:54 PM  
Subject: Re: Outside Activity Request - EMECS 9 Conference August 28-31

Jane,

I met with OGC Ethics and Mike Stahl concerning your attendance at the FOIA EXC conference. Based on the outcome of those meetings you may attend the conference and accept the waiver of conference fee in your personal capacity. The ethics determination and guidance follow.

#### Outside Activity Determination

As a member the Scientific and Policy Committee to the International FOIA EXC you are invited to attend the FOIA EXC Conference in FOIA EXC. I understand you plan on attending the conference in your personal capacity while on annual leave, you have no speaking or facilitation role at the conference and EXC international is expected to pay your registration fee of \$EXC. EPA is one of the sponsors of the conference which makes EXC a prohibited source, and generally EPA employees are prohibited from accepting gifts from a prohibited source. In this case, you may accept the gift of free registration under 2635.204(e)(2), *Gifts based on outside business or employment relationships*. Under this exception the employee may accept a gift from an outside activity when it is clear that the benefit was not offered or enhanced because of their official position. I am able to apply this exception because your participation on the committee began many years prior to your EPA employment, the established practice for the organization is to waive committee member's registration fees, and you have not engaged in conference work in either your official or personal capacity.

#### Guidance

Please keep the following ethics rules in mind as you engage in this outside activity:

- 1) Reference to Official Position: You may not reference your official title and position except as one of several biographical details (written biography, introductions, etc.). See 5 CFR 2635.807(b). How you are identified is important, so your name badge, listing on conference website, etc. may not identify you as EPA unless there is a prominent disclaimer. You must advise the event coordinators about complying with this request; otherwise you run the risk of permitting them to misuse your official position.
- 2) Fundraising: As a federal employee you cannot engage in any fundraising on behalf of a nonfederal entity in the government workplace or use government equipment. See 5 CFR 950.102(a).
- 3) Impartiality in Performing Official Duties: As a member of the Scientific and Policy Committee, you have a covered relationship with the International EXC Center for the purposes of the impartiality standard at 5 CFR Part 2635, Subpart E. Please remember, you cannot work personally and substantially in your official capacity in any particular matter involving them as a specific party unless you first seek and receive an impartiality determination pursuant to 5 CFR 2635.502(d).

4) Representation Back to the Government: As a federal employee you may not use your official position to represent an outside entity. See 18 USC 205. For example, you may not represent the International ~~FOIA EX 6~~ Center back to EPA in an attempt to promote or otherwise affect the interests of the organization.

5) Participating in EPA Matters: The conflict of interest provision at 18 USC 208, bars employees from participating in any EPA particular matter that has a direct and predictable effect on you or the organization's financial interest.

6) Reporting Requirements: The waived registration fee of \$ ~~60~~ is reportable as a gift on your 2012 SF 278 (Public Financial Disclosure Report).

Thank you and if you have any questions, please give me a call.

Regards,

Teresa  
564-6619

~~FOIA EX 6~~ 1 Teresa, this is to request approval for participati... 05/15/2011 03:20:28 PM

From: ~~FOIA EX 6~~ /DC/USEPA/US  
To: Teresa Ruppe/DC/USEPA/US@EPA  
Date: 05/15/2011 03:20 PM  
Subject: Re: Outside Activity Request

---

Teresa,

This is to request approval for participation in an outside activity, FOIA EXEMPTION 6  
(FOIA EXEMPTION 6) Conference in Baltimore, Maryland from August 28 to 31, 2011.

The EX 6 Conference is organized by the International EX 6 Center based in Kobe, Japan and the State of Maryland for the purpose of convening international experts and stakeholders to discuss improved management of coastal seas from the ecological, economic and educational perspectives. I will be participating in the FOIA EX 6 Conference as a member of the Scientific and Policy Committee to the International EX 6 Center. I will not be receiving compensation and will not take official duty time to participate in this conference. I will take personal leave to participate during normal work hours on August 29 - 31.

I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations). There is no U.S. government property or facilities that will be used in connection with this outside activity, and I have not been involved in any request for U.S. government speakers or resources.

If you have any questions or need additional information, please let me know. Thank you,

EX 6

FOIA EX 6  
Director of Regional and Bilateral Affairs  
Office of International and Tribal Affairs  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, DC 20460  
Tel: FOIA EX 6

**MEMORANDUM**

**SUBJECT:** Outside Employment – Request for Approval

**FROM:** FOIA EX 6  
Special Senior Advisor to the Regional Administrator

**THRU:** Ron Curry  
Regional Administrator – Region 6

**TO:** Ben Harrison  
Deputy Regional Counsel – Region 6

**DATE:** 8/6/13

---

This memo serves as a request for approval of my teaching during the Fall 2013 semester at [FOIA EX 6] State University [FOIA EX 6]. The course [FOIA EX 6] M70 – Environmental Health) will be administered entirely online from Thursday, August 22<sup>nd</sup> to Wednesday, December 18<sup>th</sup>. If allowed to administer the course, I will be providing lecture material in the form of PowerPoint presentations and short video clips which are based on the content from the textbook that is used. The evaluation component will include weekly quizzes as well as four exams throughout the semester. I would also moderate online debates on various environmental topics on the class discussion board. Compensation from [EX 6] for teaching this course will be \$ [FOIA EX 6] for the semester. I expect to spend 5-10 hours per week in administering [FOIA EX 6], all of which will be at home, after EPA working hours and on my personal computer. No official duty time, use of Government property or resources or facilities not available to the general public would be used in connection with administering this course.

I have read, am familiar with and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on “Outside Activities”) and Section 6401.102 (EPA’s Supplemental Regulations).

Best regards,

*[Handwritten signature]*  
FOIA EX 6

FOIA EX 6  
Special Senior Advisor to the Regional Administrator  
US Environmental Protection Agency - Region 6  
1445 Ross Ave. (Mail Code: 6RA)  
Dallas, TX 75202

Work: FOIA EX 6  
Mobile: (FOIA EX 6)  
FOIA EX 6 s@epa.gov



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 NATIONAL HEALTH AND ENVIRONMENTAL EFFECTS  
 RESEARCH LABORATORY  
 MID-CONTINENT ECOLOGY DIVISION  
 8201 CONGDON BOULEVARD • DULUTH, MN 55804-2595

OFFICE OF  
 RESEARCH AND DEVELOPMENT

**SUBJECT:** Request for Approval to Engage in Outside Activity

**FROM:** FOIA EX. 6 EIA EX. 6  
 ORD, NHEERL, MED, TERB

**TO:** Carl Richards  
 Deputy Ethics Official

**THROUGH:** Joseph Tietge  
 BC, TERB, MED

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and 5 6401.102.

1) Employee's name: FOIA EXEMPTION 6

Title and grade: ST-0415-04

2) Nature of the outside activity, including a full description of the services to be performed:

Adjunct Full Professor, student advisement, prepare and present occasional seminar/lecture

Amount of compensation to be expected: None

3) The name and business of the person or organization for which the work will be done

University of FOIA EX. 6 Department of Conservation Biology, FOIA EXEMPTION 6

(in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months): N/A



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Washington, D C 20460

OFFICE OF  
GENERAL COUNSEL

JUL 03 2013

MEMORANDUM

SUBJECT: Approval of Outside Activity

FROM: Justina Fugh *Justina Fugh*  
Alternate Designated Agency Ethics Official

TO: *FOIA EXG*  
Principal Deputy Assistant Administrator  
Office of Solid Waste and Emergency Response

I have received your request to engage in outside activity for compensation as an adjunct faculty member at the *FOIA EXG* College of Law of *FOIA EXG* University. You wish to continue to teach two law school courses per year, both in the field of environmental law. Based on the information you have provided, I am approving your request as consistent with 5 C.F.R. Part 2635, Subpart H. Please note that, generally, an approval for outside employment remains valid for five years, though you must request a new approval should there be a change in the nature or scope of your duties.

I have set forth below a reminder about several ethics principles:

Financial Conflicts of Interest

Because you will be compensated by *FOIA EXG* University, you may well be considered its employee (as opposed to an independent contractor) and therefore have a financial conflict of interest. You cannot participate in your EPA duties in any matter that will have a direct and predictable financial effect upon your outside employer. You cannot work on particular matters that involve *FOIA EXG* University as a specific party (e.g., whether the Assistant Administrator should accept an invitation to speak at the University), nor can you work on particular matters of general applicability (e.g., a grant proposal to which all colleges might apply if *FOIA EXG* University is an expected applicant).

You will need to report the income from this outside activity on Schedule A of your financial disclosure statement, and the outside position on Schedule D.

b) I certify that the information conveyed through this activity does not draw substantially on facts or official data that are nonpublic information, the pub-er does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

c) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency of the US.

EDN  
CL  
Employee's signature

5/31/12  
Date

2) DEPUTY ETHICS OFFICIAL APPROVAL

APPROVAL [Signature]

5/31/12  
Date

DISAPPROVAL \_\_\_\_\_

\_\_\_\_\_  
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
SOLID WASTE AND EMERGENCY  
RESPONSE

June 14, 2013

Subject: Request for Renewed Approval for Outside Employment

From: FOIA EX. 4  
Principal Deputy Assistant Administrator FOIA EXEMPTION CO  
Office of Solid Waste and Emergency Response

To: Justina Fugh, EPA Ethics Official

This memo requests you to continue approval for my outside employment as an adjunct professor at FOIA EXEMPTION University law school, the FOIA EXEMPTION College of Law. From my notes, you approved this outside employment in June 2008, and this is to renew that approval.

I teach two law school courses per year, always in the area of environmental law. This request is a general one, to cover any two courses; currently I teach a survey course ("Environmental Law") and an advanced course ("Advanced Environmental Law: Liability and Torts"). Besides the course load, there are ancillary duties such as advising students on their independent written work, moot court competitions, and career planning. Compensation is set by the law school, and I understand it takes into account factors such as number of credits taught, number of years of experience, and faculty rank. My current pay is \$ EXC per semester.

The amount of time I devote to teaching differs from week to week. I do not teach during the summer, so during the summer, for most weeks my time commitment is negligible, except for the time associated with updating materials for the coming semester. During the academic year, I typically devote 4 to 10 hours per week, considering class time, class preparation, after class discussions with students, and the occasional supervision of student independent work or advice to student activities such as moot court preparation. During a few weeks around exam time, I devote probably 15 to 30 hours per week, writing an exam and then later grading it.

## Representation

Don't forget, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest. See 18 USC §§ 203 and 205. In your capacity as an adjunct faculty member, you cannot contact the US government on behalf of American University, which may include contacting federal employees to speak before your law school classes.

\* \* \* \* \*

As always, if you have any questions, please feel free to contact me at 564-1786.

I do not use official duty time or property to perform this work. For example, the course is taught at American University's classrooms, and my weekly class preparation is done away from the office on personal time. I write and grade exams at home, taking annual leave as needed when the workload cannot fit into evenings and weekends. Before a semester begins, if there is new material to be incorporated into course materials, I stay after hours at the office to assemble it, and then I mail it on personal postage (or I personally bring it) to the law school administrative staff for photocopying and distribution to students using law school personnel and equipment. I stay after class at the law school to meet with students. Still, students sometimes e-mail me or call me at the office, or ask to meet me during the work day. The amount of time needed to address phone calls and e-mail is negligible and easily made up by me working in the evenings and on weekends. I accommodate requests for meetings during my lunchtime, or, occasionally, at the end of the work day.

I do not use information obtained as a result of government employment which is not available to the general public.

Regarding the "reference to position" rules, in course materials, catalogues, and such, I understand that I am required to either omit my EPA title and position or include it "as one of several biographical details when such information is given to identify [me] in connection with [my] teaching, speaking or writing, provided that [my] title or position is given no more prominence than other significant biographical details," as provided by 5 CFR 2635.807(b)(1).

Finally, I understand that a complete application includes my name, grade, and title. I am ~~FOIA EXL~~ 1, Principal Deputy Assistant Administrator for the Office of Solid Waste and Emergency Response. I am a member of the Senior Executive Service.

I hope this provides what is needed to renew approval of my teaching. Please just let me know if any more information is needed and I will follow up accordingly.

\_\_\_\_\_  
Approved

\_\_\_\_\_  
Disapproved

Date:

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FOIA EXEMPTION 6

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**From:** Stanislaus, Mathy  
**Sent:** Friday, June 14, 2013 4:31 PM  
**To:** FOIA EX 6  
**Subject:** Re: renewing my approval to teach law school classes

Yes

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**From:** FOIA EX 6  
**Sent:** Friday, June 14, 2013 4:28:17 PM  
**To:** Stanislaus, Mathy  
**Subject:** renewing my approval to teach law school classes

It is time for me to renew Justina's approval for me to teach law school classes at ~~EX 6~~ I think it typically requires me to represent that the AA approves.

So: is it ok with you for me to continue teaching law school classes? I'm still teaching the two courses, *Environmental Law* in the fall, and in the spring it is *Advanced Environmental Law: Liability and Torts*.

FOIA

reviewer status through the online ~~EXC~~ submission system; (b) solicits topical review articles and special issues; (c) pre-reviews all submissions (about 250-300 manuscripts per year) to determine which are sent out for scientific review and which are rejected without review; (d) assigns reviewers or Associate Editors; (e) informs authors of peer review outcome; (f) evaluates revised manuscripts for responsiveness to the reviewer comments; (g) decides final fate (accept/revise/reject); (h) edits accepted articles for scientific content; (i) communicates with Managing Editor in programming table of contents and article proofs; (j) selects / assigns Guest Editors for special issue; (k) solicits 4 new members of the Editorial Board each Year; (l) interacts with the Publishing Editor on journal affairs, metrics and reports; (m) selects cover image for regular journal issues; and (n) attends Editorial Board Meetings at the annual meetings of the ~~FOIA EXC~~ Society and/or ~~FOIA EXEMPTIONS~~ Society.

~~FOIA EXC~~ will recuse himself as editor or reviewer of submissions that have: (a) disclosed extramural research funding from the EPA; (b) originate from the EPA's intramural research program; or (c) is co-authored by the National Center for Computational Toxicology.

**and the amount of compensation to be expected;\*\* Publisher provides \$ ~~EXC~~ annually to run the journal office. Payment goes directly to the Editorial Assistant and is used entirely to cover the expenses of the journal office; \$0 compensation goes to the Editor. The Publisher also has an annual agreement with the ~~FOIA EXEMPTIONS~~ Society, ~~EXC~~ to provide \$ ~~EXC~~ (in-kind) to the Society for the Editor's travel to its annual meeting. No honorarium or other direct compensation is accepted by the Editor.**

**3) The name and business of the person or organization for which the work will be done: *Important Notice: The Emoluments Clause of the U.S. Constitution prohibits federal employees from accepting any gift, office, title or emolument, including salary or compensation from any foreign government except as authorized by Congress. Many foreign universities are arms of their government.*** ~~FOIA EXC~~ inc., ~~FOIA EXEMPTIONS~~; ~~FOIA EXEMPTIONS~~. The Publishing Editor at ~~EXC~~ is ~~FOIA EXEMPTIONS~~ the business officials at ~~FOIA EXC~~ (Senior VP) and ~~FOIA EXC~~ (Publisher Director).

**(in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);**  
Not applicable.

4) **The estimated time (hours/days) to be devoted to the activity;** (Please indicate exact dates if known.)

Routine editorial duties require 2 h daily, M-F. Generally, the Editor has handled most of this activity before 6 a.m. and on weekends.

5) **Whether the service will be performed entirely outside of normal duty hours** (yes or no) Yes (with caveat): circumstances arise that require immediate attention by the Editor. For example, he may be contacted via telephone or email by authors, reviewers, or the publisher to deal with matters that must be handled in real time in order to maintain publication schedule or resolve any conflict. Matters that require immediate attention during normal working hours amount to less than 1h per month. These are within the *de minimus* boundaries of NCCT policy.

**(if no, estimate the number of hours of absence from work required; if leave is requested, please provide a copy of approved SF-71);**  
Attendance at the ~~EXC~~ annual meeting in early September will use annual leave requested through the SF-71 mechanism.

6) **The basis for compensation** (e.g., fee, per hour, per diem, per annum, etc.) **and the total amount expected;** \$~~1,500~~ provided annually from the publisher to cover expenses affiliated with running the journal office; for example, compensation for a part-time editorial assistant (20 h per week) and incidental costs (mailings, office supplies, filing systems, and so forth). The Editor receives \$0 net compensation himself. This expense is paid to the editorial assistant in two \$~~750~~ installments in January and July.

7) **Identification of any assistance agreements or contracts held by the person to or for whom services will be provided.** (Must be answered, if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.) A copy of the current contract with ~~FOR EXC~~ was submitted to US EPA for ethics review on April 1, 2007. It has been approved as an outside activity. Although the ~~FOR EXC~~ contract is currently active July 2007 – 2009; however, there will be some modifications in disbursement of funds and logistics of the journal office:

a) The publisher will arrange to direct-deposit the semi-annual payments of \$~~1,500~~ to editorial assistant, who will manage monthly payroll deductions and taxes as well as maintain a small budget for office supplies relevant to running the journal.

b) The ~~IFC/AEXC~~ Center at the University ~~FOR EXC~~ has verbally agreed to continue to provide virtual office space at no cost

(FOIA EXG uc.edu). The editorial assistant, FOIA EXG will continue to work 20h per week at the journal office. She has been the editorial assistant since July 2003.

c) The Editor's affiliation published on the journal masthead, inside cover, and web-site is as follows:

FOIA EXEMPTION, PhD  
Editor-In-Chief, Reproductive Toxicology  
FOIA EXEMPTION

FOIA EXG Center, Room 301  
University of FOIA EXG  
FOIA EXG  
FOIA EXG USA  
Fax: +1 919 FOIA EXG

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an **officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker**. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

1) **EMPLOYEE CERTIFICATION (Read and sign below)**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above for certain non-profit organization activities where I receive no compensation.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position*.

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the U.S.

FOIA EXEMPTIONS  
Employee's signature \_\_\_\_\_ September 3, 2013  
Date

2) DEPUTY ETHICS OFFICIAL APPROVAL

APPROVAL [Signature] 3 Sept '13  
Date

DISAPPROVAL \_\_\_\_\_  
Date

outside activity nccr 2013



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

DEC 13 2012

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

**MEMORANDUM:**

**Subject:** Approval of Outside Employment

**From:** Betsy Smidinger, Deputy Ethics Official  
Office of Compliance 

**To:** ~~FOIA EXEMPTION~~, Director  
National Enforcement Training Institute

Thank you for your memos of November 28, 2012, requesting approval for outside employment.

You have employment arrangements with the ~~FOIA EXEMPTION~~ College of Law as an Adjunct Professor of Law, to teach Natural Resources Law for the spring 2013 semester, and you are engaging in the limited practice of law related to assisting a composer regarding the premier of a new composition. You are being compensated for both of these positions.

I am approving your requests, with the following cautions: You should be aware that, while you are employed at the U.S. Environmental Protection Agency and while you are employed by the ~~FOIA EXEMPTION~~ College of Law and the composer, you may not participate in any government matter that will affect the financial interests of the ~~FOIA EX, 4~~ College of Law and the composer. Under 18 section 208, the interests of these entities are considered to be yours.

In addition, your outside employment should not involve official EPA time or property, and you may not use information that is confidential to EPA in relation to and in fulfilling these outside positions, particularly the Adjunct Professorship.

cc: Marion Herz



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

MEMORANDUM

Date: November 28, 2012  
From: ~~FOIA exemption 6~~ ~~FOIA exemption 6~~, Director  
National Enforcement Training Institute  
To: Betsy Smidinger,  
Designated Ethics Officer for Office of Compliance  
Subject: Request for Approval of Outside Employment

I am requesting approval to engage in the limited private practice of law. Through my work in the performing arts, I have been solicited to assist a young composer in negotiations with a number of local and national performing arts organizations regarding the premier of a new composition. My responsibilities would include protection of the intellectual property rights of the composer as well as necessary copyright or potential trade name protection. In addition, I anticipate the need to establish a framework for licensing performances, royalties or performance fees and related issues.

This work does not involve EPA official time or property, or use information that is confidential to EPA.

Attachment



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MEMORANDUM

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

Date: November 28, 2012

From: FOIA EXC  
FOIA EXC  
National Enforcement Training Institute

To: Betsy Smidinger,  
Designated Ethics Officer for Office of Compliance

Subject: Request for Approval of Outside Employment

I am requesting approval for outside employment as Adjunct Professor of Law at the FOIA EXC College of Law in FOIA EXEMPTION 6. This term appointment is for the Spring 2013 semester which commences on January 9<sup>th</sup>. The course I have been invited to teach is **Natural Resources Law**. A copy of the course syllabus from 2012 is attached for your review. Please note that I have highlighted a disclaimer that I am not speaking on behalf of the Environmental Protection Agency. I am hired for the semester in a contract for employment relationship. I am not an employee of the University.

This work does not involve EPA official time or property, or use information that is confidential to EPA. I am aware that while I am employed at the U.S. EPA, I may not participate in any governmental matter that might affect the financial interests of the College of FOIA EXC or the law school.

Attachment

# NATURAL RESOURCES LAW

## COURSE SYLLABUS

FOIA EXEMPTING SCHOOL OF LAW

Spring 2012

FOIA EXC 1

Text: Natural Resources Law & Policy James Rasband, James Salzman & Mark Squillace. Second Edition, Foundation Press.

**January 11**     **Thinking About Natural Resources - Introduction**

**Economic theories underlying natural resources law**  
**Scarcity – Problems of the Commons**  
**Scientific Uncertainty**

Readings: Chapter 1 pages 36 to 75

**January 18**     **How Did We Get Where We Are? The Great American History of Natural Use, Exploitation & Awareness**

**Federal Public Lands - Introduction**

- Historical Perspective
- Constitutional Framework & Limitations
- Legislative Compromises
- Acquisition of Lands from Indian Tribes
- Equal Footing Doctrine
- Public Trust Doctrine

Readings: Chapter 2 pages 81 - 143

**January 25**     **The Procedural Framework of Natural Resources Law**

**Federalism: The Constitutional Foundation**

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<sup>1</sup> Note: the observations, comments and publications of FOIA EXC 1 are his own and not necessarily those of the Environmental Protection Agency, the United States Government or FOIA EXC 1 School of Law.

**Standing principles**  
**Timing of Law Suits; Final Agency Actions,**  
**Exhaustion, Exhaustion, Ripeness, Mootness**  
**Judicial review of agency action**  
**Citizen suits**

Reading assignment: Chapter 2 pages 146-206

**February 1     Protecting Biodiversity: The Endangered Species Act (Part 1)**

**Biodiversity - natural resources - conflict & accommodation**

Reading assignment: Chapter 4,   Pages 348 to 424

**The Flower-Loving Fly (Handout for Discussion next week)**

**February 8     Protecting Biodiversity: The Endangered Species Act (Part 2)**

**The structural framework**

Reading assignment: **The Flower-Loving Fly**

**National Association of Home Builders v. Babbitt,**  
**130 F.3<sup>rd</sup> 1041 (1997)**

Chapter 3 223-292

**February 15   Freshwater Ecosystems**

**The Law of Water Allocation; Riparian v. Agrarian**  
**Ground Water**

**The Clean Water Act**  
**The Rivers & Harbors Act**

Reading assignment: Chapter 7 – 758 to 889

**February 22   Public Lands - Private Uses**

**Protected Lands - statutory framework**  
**National wildlife refuges**  
**Parks & Monuments**  
**‘Wilderness’**

Reading assignment: Chapter 6, pages 599 to 687

**February 29**    **Federal Public Lands - continued**

**Public rangeland management**  
Readings: Chapter 8 , pages 949-1013

**March 7**    **Spring Break**

**March 14**    **No class**

**March 21**    **Private Lands - Public Concerns?**

**Changing Concepts of Property Rights**  
**Mining on Public Lands**

Reading assignment: Chapter 9, pages 1043 to 1186

**March 28**    **Forest Ecosystems**

**Multiple Use - Sustained Yield?**

Reading assignment: Chapter 10, pages 1196 - 1300

**April 4**    **Minerals, Mining & Oil**

**Extraction, Exploitation, Sustainability?**

Reading assignment: to be assigned

**April 11**    **Living Resources**

Reading assignment: Chapter 5 pages 442 to 549, Chapter 4 338 to 342

**April 18**    **Natural Resource Research Papers: Oral Presentations**

**May 2**    **Final Exam; 8:30am, Room 127**

# NATURAL RESOURCES LAW

## Course Specifications

**NOTE: All students should be prepared to participate in the beginning of each class with a 15 minute NEWS SUMMARY**

Your instructor:

FOIA EX 6

Adjunct Professor of Law

Telephone: FOIA EX 6 0

E-mail: FOIA EX 6 @gmail.com

**CLASS SCOPE:** Class will be held WEDNESDAYS from 4 to 6 pm. This is a survey course of natural resource law, specifically as it relates to natural ecosystems in the United States. The focus is primarily on federal law but comparable and related state laws will also be considered. Part of the challenge for the government, the regulated community, the public and YOU as lawyers in dealing with statutes and regulatory approaches that overlap and (sometimes) contradict one another. Given the complex interplay between law, science and public policy, this course should prove to be one of the most thought provoking courses you may ever take. This course will prepare you to assess real world commercial, regulatory and public policy natural resource issues through the survey of these statutes and the written preparation and oral presentation of a scholarly research paper on a topic of immediate application.

**ATTENDANCE:** Students are expected to read all assigned materials. Where appropriate, specific statutes discussed within the text, where not included in the textbook, should be reviewed as well. **Regular attendance and active class participation is expected and required.** More than two un-excused absences will affect the final grade received in this course.

**CLASS PARTICIPATION:** Active, thoughtful and professional class participation is required and essential for the success of the seminar nature of this course. Regular class participation by all students benefits every participant in the class. Accordingly, class participation will constitute 20% of the final grade.

**GRADES:** In addition to class participation, your primary grade will be based on the preparation and oral presentation of a topical research paper. The written research paper will constitute 30% of your grade. Your oral presentation (5 minutes minimum) will constitute 10% of your grade.

**PAPER REQUIREMENTS:** A written, topical paper on a practical pre-approved topic is required for obtaining credit in this course. Please approach this project with the enthusiasm of developing a writing sample that will accompany your professional resume!

1. **Length.** 5 to 7 pages, double spaced typewritten pages. Approval of the professor is required for longer papers. 12 point font preferred. No *miniature* fonts, please!

2. **Topics.** The paper topic must be approved no later than February 29, 2012. A brief written description of the topic<sup>2</sup> to be approved must be submitted by February 22, 2012 in hand or by email. A short conference (after class or by telephone) to discuss topic ideas is encouraged. Preliminary research to test the viability of the topic should be done before proposing the topic to the professor. If you are having difficulty identifying a topic, peruse commercial natural resource or environmental reporter services such as: the Environmental Law Institute website, the ABA Environment & Natural Resour website, BNA Environment Reporter, Chemical Regulation Reporter, INECE.org, BNA Toxics Law Reporter, Pesticides & Toxic Chemical News, for a topic arising under any of the statutes, program areas or issues covered in the course.

Topical areas include but are not limited to: water resources, wildlife, endangered species, NEPA, public trust, public recreation, natural resource management, conservation, wise use and preservation of public lands, forestry, or mineral law. It is essential that your topic include a real-life controversy or case as part of the study of the chosen topic. Approach this task as if you were a lawyer doing real work for a client (paying or pro-bono). *You soon will be!*

3. **Drafts.** Typewritten drafts are strongly encouraged, unless your primary occupation or avocation is calligraphy...and you are really good at it. Feedback (including commentary on calligraphic style) will be delivered orally and in writing where needed.

4. **Deadlines.** Draft research topics will be approved by February 29. Papers are due in final form on MAY 2, 2012. This will follow individual class presentations. Questions raised during class presentations may help to sharpen the focus of the research or additional amplification. No extensions will be granted after the deadline unless exceptional circumstances are shown.

5. **What to include.** These short papers should be the definitive word on individual topical areas. You will become the expert. Research may include law review articles, commentary, statutes, regulations, policy statements of applicable agencies, case law and whatever is relevant to your particular topic. Environmental law is a rapidly evolving area of law, with few issues reaching the Supreme Court as yet. Accordingly, to adequately evaluate a given issue, you may need to look carefully for emerging national, department, or agency guidance or trade publications for information on specific topics. It is a good idea to use the Chemical Regulation Reporter, Environment Reporter, Lexis, Westlaw and other current resources to look for current policy or unreported developments in topical areas. Conferences with the professor about your topic should also include a discussion of a research plan.

6. **Organization.** The purpose of writing is communication and the key to effective communication is organization, clarity of presentation and thoroughness. Your paper should have a title that reflects its scope and content. Begin with an introductory section and end with a

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<sup>2</sup> Topics covered in previous seminars I have conducted included: "Environmental Policy on Tributyl Tin, A Marine Anti-Fouling Agent and Endocrine Disruptor," "EPA's 33/50 Chemical Reduction Program - An Analysis," "Regulatory Control Strategies for Pesticide Run Off From Agricultural Operations: Toxic Buildup in Aquatic Species," and "Strategies for Listing the Maryland Terrapin on the ESA."

conclusion. Use appropriate headings to divide and organize your discussion. Every paragraph should have a topic sentence. Do the thoughts follow logically? Have you effectively developed and communicated your thoughts? Does this paper answer your questions and reflect excellence of work product? Have you recommended a solution or raised additional policy or legal issues? Alas, not every issue has a clear cut answer.

**7. Footnotes.** You are strongly encouraged to use textual footnotes. Case citations may be placed in the text or in a footnote. Please use footnotes at the bottom of the page and not endnotes.

**8. Citation form.** Proper citation is an essential requirement of professional writing. The reader may assume (and the instructor will conclude) that if the citations are sloppy and inaccurate, so are the substantive aspects of the work. Each citation should be checked for form as well as accuracy. Consistent errors will result in a grade reduction to the next lowest grade.

**9. Retain a copy of all work you submit.** Where possible, initiate measure to maintain duplicate copies of your work. Keep a second copy if needed and avoid excuses. Keep all pets well fed.

**10. Binding.** Staple the upper left corner. Please do not use binder covers.

**11. Have fun; be creative.** We live in a society dependent on natural resources; some finite, some renewable. Conflicts over use, preservation or exploitation are continuous. As lawyers, we identify, shape and help to resolve these disputes. Find a topic that you feel passionate about! Do not attempt any plagiarism.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 22 2013

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

MEMORANDUM

Subject: Approval of Outside Employment

From: Marion Herz, Deputy Ethics Official  
Office of Compliance *Marion Herz*

To: ~~FOIA EXC~~ Director  
National Enforcement Training Institute

I am approving your request for outside employment as an Adjunct Professor of Law, with the following cautions:

You report in your July 15, 2013, memo that you have employment arrangements with the University of ~~FOIA EXC~~ to teach "Federal Commercial Chemicals", beginning August 28, 2013, and with the ~~FOIA EXEMPTIONS~~ School of Law to teach "Natural Resources Law", beginning January 15, 2014. You are being compensated for teaching these courses.

You should be aware that, while you are employed at the U.S. Environmental Protection Agency and while you are employed by these universities, you may not participate in any government matter that will affect the financial interests of the University of ~~FOIA EXC~~ or the ~~FOIA EXEMPTIONS~~ College of Law. Under 18 section 208, the interests of these universities are considered to be yours.

In addition, your outside teaching employment should not involve official EPA time or property, and you may not use information that is confidential to EPA in relation to and in fulfilling these outside positions.

cc: Lisa C. Lund



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MEMORANDUM

Date: July 15, 2013

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

From: [FOIA EX 6] t, Director [FOIA EX 6]  
National Enforcement Training Institute

To: Marion Herz  
Deputy Ethics Officer for the Office of Compliance

Subject: Requesting Approval for Outside Employment

I am seeking approval for outside employment as Adjunct Professor of Law at the University of ~~FEIN 001~~ College of Law and ~~FOIA EX 6~~ College of Law. I am being reimbursed for this work and certify that this work does not involve or use any information that is confidential to the EPA, or official time or property. These are temporary. Restricted appointments and do not carry eligibility for academic tenure.

I have attached a syllabus for each course from the 2012-2013 academic year. I do not have a final syllabus for either course for which I am seeking outside employment approval at this time, but assert that they will resemble each of these documents.

I anticipate using approximately 96 hours of Annual Leave to teach these courses. Federal Commercial Chemicals at the University of ~~FOIA EX 6~~ School of Law is scheduled to begin on August 28, 2013 on Wednesday afternoons for 12 sessions. Natural Resources Law at ~~FOIA EX 6~~ School of Law is scheduled to begin on Wednesday, January 15, 2014 for 12 sessions as well.

I currently have sufficient Annual Leave to cover this request without incurring a deficit.

If you have any questions about my request, please do not hesitate to contact me at

FOIA EXEMPTION 6

Attachments (2)

**NATURAL RESOURCES LAW**  
**COURSE SYLLABUS**  
FOIA EXEMPTION 67 SCHOOL OF LAW

Spring 2013  
FOIA EX 67 r<sup>1</sup>

Text: Natural Resources Law, 2<sup>nd</sup> Edition (2012) Laitos, Zellmer & Wood, West

**January 16     Thinking About Natural Resources - Introduction**

**Economic theories underlying natural resources law  
Scarcity – Problems of the Commons  
Scientific Uncertainty**

Readings: Preface, v-vii, Pages 2-15, 18-42, 47-49, 68-71, 70-89.

**January 23     How Did We Get Where We Are? The Great American  
History of Natural Use, Exploitation & Awareness**

**Federal Public Lands - Introduction**

- Historical Perspective
- Constitutional Framework & Limitations
- Legislative Compromises
- Acquisition of Lands from Indian Tribes
- Equal Footing Doctrine
- Public Trust Doctrine

Readings: Pages 296-349

**January 30     The Procedural Framework of Natural Resources Law**

**Federalism: The Constitutional Foundation  
Standing principles  
Timing of Law Suits; Final Agency Actions,  
Exhaustion, Exhaustion, Ripeness, Mootness  
Judicial review of agency action**

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<sup>1</sup> Note: the observations, comments and publications of ~~FOIA EX 67~~ are his own and not necessarily those of the Environmental Protection Agency, the United States Government or ~~FOIA EX 67~~ School of Law.

**Citizen suits**

Readings: Pages 126-190, 519-553 & Hudson Farm (emailed handout)

**February 6**     **Protecting Biodiversity: The Endangered Species Act (Part 1)**

**Biodiversity - natural resources - conflict & accommodation**

Readings: Pages 1004-1130

*The Flower-Loving Fly* (Handout for Discussion next week)

**February 13**     **Protecting Biodiversity: The Endangered Species Act (Part 2)**

**The structural framework**

Reading assignment: *The Flower-Loving Fly* and

*National Association of Home Builders v. Babbitt*, (full text)  
130 F.3<sup>rd</sup> 1041, 327 U.S. App.D.C. 248 (D.C.Cir.1997)

**February 20**     **Freshwater Ecosystems**

**The Law of Water Allocation; Riparian v. Agrarian  
Ground Water  
The Clean Water Act  
The Rivers & Harbors Act**

Readings: 910-998

**February 27**     **Public Lands - Private Uses**

**Protected Lands - statutory framework  
National wildlife refuges  
Parks & Monuments  
"Wilderness"**

Readings: 436-453, 488-512

**March 6**     **Spring Break**

# NATURAL RESOURCES LAW

## Course Specifications

**NOTE: All students should be prepared to participate in the beginning of each class with a 15 minute NEWS SUMMARY**

Your instructor:

FOIA EXEMPTION

Adjunct Professor of Law

Telephone: FOIA EX 6

E-mail: FOIA EX 6 @gmail.com

**CLASS SCOPE:** Class will be held WEDNESDAYS from 4 to 6 pm. This is a survey course of natural resource law, specifically as it relates to natural ecosystems in the United States. The focus is primarily on federal law but comparable and related state laws will also be considered. Part of the challenge for the government, the regulated community, the public and YOU as lawyers in dealing with statutes and regulatory approaches that overlap and (sometimes) contradict one another. Given the complex interplay between law, science and public policy, this course should prove to be thought provoking! This course will prepare you to assess a variety of real world commercial, regulatory and public policy natural resource issues through the survey of these statutes and the written preparation and oral presentation of a scholarly research paper on a topic of immediate application.

**ATTENDANCE:** Students are expected to read all assigned materials. Where appropriate, specific statutes discussed within the text, where not included in the textbook, should be reviewed as well. **Regular attendance and active class participation is expected and required.** More than two un-excused absences will affect the final grade received in this course.

**CLASS PARTICIPATION:** Active, thoughtful and professional class participation is required and essential for the success of the seminar nature of this course. Regular class participation by all students benefits every participant in the class. Accordingly, class participation will constitute 20% of the final grade.

**GRADES:** In addition to class participation, your primary grade will be based on the preparation and oral presentation of a topical research paper. The written research paper will constitute 30% of your grade. Your oral presentation (5 minutes minimum) will constitute 10% of your grade.

**PAPER REQUIREMENTS:** A written, topical paper on a practical pre-approved topic is required for obtaining credit in this course. Please approach this project with the enthusiasm of developing a writing sample that will accompany your professional resume!

1. **Length.** 5 to 7 pages, double spaced typewritten pages. Approval of the professor is required for longer papers. 12 point font preferred. No *miniature* fonts, please!

- March 13**     **Federal Public Lands - continued**  
**Public rangeland management**  
Readings: 557-599
- March 20**     **Private Lands - Public Concerns?**  
**Changing Concepts of Property Rights**  
**Mining on Public Lands**  
Readings: 884-903, 672-692, 749-759.
- March 27**     **Forest Ecosystems**  
**Multiple Use - Sustained Yield?**  
Readings: 604-733
- April 3**        **Minerals, Mining & Oil**  
**Extraction, Exploitation, Sustainability?**  
Readings: 736-819, 821-903
- April 10**     **Living Resources**  
Readings: 66-123, 1061-1082
- April 17**     **Natural Resource Research Papers: Oral Presentations**

**Final Exam: WEEK OF 4.29 to 5.3**

**2. Topics.** The paper topic must be approved no later than February 28, 2012. A brief written description of the topic<sup>2</sup> to be approved must be submitted by February 25, 2012 in hand or by email. A short conference (after class or by telephone) to discuss topic ideas is encouraged. Preliminary research to test the viability of the topic should be done before proposing the topic to the professor. If you are having difficulty identifying a topic, peruse commercial natural resource or environmental reporter services such as: the Environmental Law Institute website, the ABA Environment & Natural Resour website, BNA Environment Reporter, Chemical Regulation Reporter, INECE.org, BNA Toxics Law Reporter, Pesticides & Toxic Chemical News, for a topic arising under any of the statutes, program areas or issues covered in the course.

Topical areas include but are not limited to: water resources, wildlife, endangered species, NEPA, public trust, public recreation, natural resource management, conservation, wise use and preservation of public lands, forestry, or mineral law. It is essential that your topic include a real-life controversy or case as part of the study of the chosen topic. Approach this task as if you were a lawyer doing real work for a client (paying or pro-bono). *You soon will be!*

**3. Drafts.** Typewritten drafts are strongly encouraged, unless your primary occupation or avocation is calligraphy...and you are really good at it. Feedback (including commentary on calligraphic style) will be delivered orally and in writing where needed.

**4. Deadlines.** Draft research topics will be approved by February 28. Papers are due in final form on MAY 2, 2013. This will follow individual class presentations. Questions raised during class presentations may help to sharpen the focus of the research or additional amplification. No extensions will be granted after the deadline unless exceptional circumstances are shown.

**5. What to include.** These short papers should be the definitive word on individual topical areas. You will become the expert. Research may include law review articles, commentary, statutes, regulations, policy statements of applicable agencies, case law and whatever is relevant to your particular topic. Environmental law is a rapidly evolving area of law, with few issues reaching the Supreme Court as yet. Accordingly, to adequately evaluate a given issue, you may need to look carefully for emerging national, department, or agency guidance or trade publications for information on specific topics. It is a good idea to use the Chemical Regulation Reporter, Environment Reporter, Lexis, Westlaw and other current resources to look for current policy or unreported developments in topical areas. Conferences with the professor about your topic should also include a discussion of a research plan.

**6. Organization.** The purpose of writing is communication and the key to effective communication is organization, clarity of presentation and thoroughness. Your paper should have a title that reflects its scope and content. Begin with an introductory section and end with a

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<sup>2</sup> Topics covered in previous seminars I have conducted included: "Environmental Policy on Tributyl Tin, A Marine Anti-Fouling Agent and Endocrine Disruptor," "EPA's Chemical Reduction Program - An Analysis," "Regulatory Control Strategies for Pesticide Run Off From Agricultural Operations: Toxic Buildup in Aquatic Species," and "Strategies for Listing the Maryland Terrapin on the ESA."

conclusion. Use appropriate headings to divide and organize your discussion. Every paragraph should have a topic sentence. Do the thoughts follow logically? Have you effectively developed and communicated your thoughts? Does this paper answer your questions and reflect excellence of work product? Have you recommended a solution or raised additional policy or legal issues? Alas, not every issue has a clear cut answer.

7. **Footnotes.** You are strongly encouraged to use textual footnotes. Case citations may be placed in the text or in a footnote. Please use footnotes at the bottom of the page and not endnotes.

8. **Citation form.** Proper citation is an essential requirement of professional writing. The reader may assume (and the instructor will conclude) that if the citations are sloppy and inaccurate, so are the substantive aspects of the work. Each citation should be checked for form as well as accuracy. Consistent errors will result in a grade reduction to the next lowest grade.

9. **Retain a copy of all work you submit.** Where possible, initiate measure to maintain duplicate copies of your work. Keep a second copy if needed and avoid excuses. Keep all pets well fed.

10. **Binding.** Staple the upper left corner. Please do not use binder covers.

11. **Have fun; be creative.** We live in a society dependent on natural resources; some finite, some renewable. Conflicts over use, preservation or exploitation are continuous. As lawyers, we identify, shape and help to resolve these disputes. Find a topic that you feel passionate about! Do not attempt any plagiarism.

# FEDERAL COMMERCIAL CHEMICAL REGULATION

## COURSE SYLLABUS

The University of ~~FOIA EX~~ School of Law  
Room 202 Wednesday - 2:10pm to 4:10pm  
~~FOIA EXEMPTIONS~~

Fall 2012  
~~FOIA EXEMPTIONS~~

Text: ENVIRONMENTAL LAW HANDBOOK (20<sup>th</sup> or 21<sup>st</sup> Editions)  
*Government Institutes, Inc.*

August 29 Thinking About Chemicals - Introduction

**Better Living Through Chemistry?  
Constitutional Authority for Federal Regulation**  
**20<sup>th</sup> Edition:**  
Readings: Chapter 1 pages 1 to 28, 57-60, 67-68  
**21st Edition:**  
Readings: Chapter 1 pages 1 to 25, 52-54, 60-61

September 5 License to Kill? Federal Regulation of Pesticides

**The Federal Insecticide, Fungicide & Rodenticide Act (FIFRA)  
Registration Process  
State Preemption  
Reforms**

**20<sup>th</sup> Edition:**  
Readings: Chapter 12 pages 715-734  
Chapter 12 pages 749-751  
Chapter 12 pages 760-765  
**21st Edition:**  
Readings: Chapter 13 pages 807-821  
Chapter 13 pages 836-838  
Chapter 13 pages 845-846

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<sup>1</sup> Note: the observations, comments and publications of ~~FOIA EX~~ are his own and not necessarily those of the Environmental Protection Agency, the United States Government or the University of ~~FOIA EX~~ School of Law.

**September 12 FIFRA – Key Issues for Legal Practitioners**

**Organic Foods Production Act (1990)  
Environmental Justice  
Food Quality Protection Act**

**20<sup>th</sup> Edition:**

Readings: Chapter 12 pages 762-766,  
And Removal of Pesticides from the Market.

**21st Edition:**

Readings: Chapter 13 pages 847-849  
And Removal of Pesticides from the Market. 824-832  
Plus Handout on Organic Foods Production Act

**September 19 TSCA: A Four Letter Word Meaning Check it Out!**

**Activities Subject to TSCA  
The TSCA Inventory  
Relationship between TSCA and other laws**

**Readings: 20<sup>th</sup> Edition:**

Chapter 11 633-642  
Chapter 11 678-682  
Chapter 11 690-691  
Chapter 11 705-708

**Readings: 21st Edition:**

Chapter 12 725-733  
Chapter 12 734-742  
Chapter 12 777-778  
Chapter 12 766-770

**September 26 TSCA : Key Issues for Legal Practitioners**

**New Chemical Review  
Preparing a Pre Manufacture Notice Review Application**

**20<sup>th</sup> Edition**

Reading assignment Chapter 11, pages 643-656

**21<sup>st</sup> Edition**

Reading assignment Chapter 12, pages 743-750  
Handout on PMN & Section 8(e) reporting

**Residential Lead Reduction Act  
Asbestos Hazard Emergency Response Act  
Polychlorinated Biphenyls**

**October 3**    **RCRA: The Resource Conservation & Recovery Act**

**Definition of Solid and Hazardous Waste**

**Subtitle C Hazardous Waste Management**

**Subtitle D State Solid Waste Programs**

**20<sup>th</sup> Edition**

Reading assignment Chapter 3 pages 141-187

**21st Edition**

Reading assignment Chapter 3 pages 141-185

Handouts from RCRA Hotline

**October 10**    **RCRA : Key Issues for Legal Practitioners**

**Underground Storage Tanks**

**Waste Management & Characterization**

**20<sup>th</sup> Edition**

Reading assignment Chapter 4 pages 141-187

**21st Edition**

Reading assignment Chapter 4 pages 195-228

Handouts from RCRA Hotline

RCRA Manifest Handout

**October 17 EPCRA: America's Largest Chemical Regulatory Program**

**Bhopal-The Largest Industrial Accident in the World  
The Toxics Release Inventory  
Emergency Planning & community Right To Know**

**20<sup>th</sup> Edition**

Reading assignment Chapter 14 pages 801 to 846

**21st Edition**

Reading assignment Chapter 15 pages 893-930

**October 24 EPCRA Key Issues for Legal Practitioners**

**Using the Toxics Release Inventory**

Reading assignments:

The Steel Company v. Citizens for a Better Environment;

"EPCRA: An Evolving Opus on a Discordant Note"

Initial Decision: Clarksburg Casket Company

**October 31 The Green Revolution & Reforms**

**Nanotechnology**

**Biotechnology**

**Sustainability**

**REACH**

**The European Model**

**The Precautionary Principle**

**20<sup>th</sup> Edition**

Reading assignment Chapter 12 pages 772-775

Chapter 11 Pages 664-666

**21st Edition**

Reading assignment Chapter 13 pages 855-858

Chapter 11 754-755

Handout – Beyond Chemicals

**November 7 Research Papers: Oral Presentations**

**November 14 Research Papers: Oral Presentations**

November 28 Assessment & Review

## FEDERAL COMMERCIAL CHEMICAL REGULATION Course Specifications

**NOTE:** All students should be prepared to participate in the beginning of each class with a 15 minute NEWS SUMMARY; after the "News" – Computers OFF

Your instructor:

FOIA exL

Adjunct Professor of Law

Telephone: FOIA exL

E-mail: FOIA exL @gmail.com

**CLASS SCOPE:** Class will be held Wednesdays from 2:10 to 4:10pm. This is a survey course of Federal commercial chemical regulation in the United States concentrating on four major federal laws: FIFRA, TSCA, EPCRA and RCRA. Other laws and international regulatory schemes will be considered as appropriate. The focus is primarily on federal law but comparable and related FOIA exL or other state laws will also be considered. Part of the challenge for the government, the regulated community and the public is dealing with statutes and regulatory approaches that overlap and (sometimes) contradict one another. Given the complex interplay between law, science and public policy, this course should prove to be one of the most **thought provoking** courses you may ever take.

This course will prepare you to assess real world commercial, regulatory and public policy approaches to commercial chemicals through the survey of these statutes and the written preparation and oral presentation of a research paper on a topic of immediate application.

**ATTENDANCE:** Students are expected to read all assigned materials. Where appropriate, specific statutes discussed within the text, where not included in the textbook, should be reviewed as well. **Regular attendance and active class participation is expected and required.** More than two un-excused absences will affect the final grade received in this course.

**CLASS PARTICIPATION:** Active, thoughtful and professional class participation is required and essential for the success of the seminar nature of this course. Regular class participation by all students benefits every participant in the class. Accordingly, class participation will constitute 25% of the final grade.

**GRADES:** In addition to class participation, your primary grade will be based on the preparation and oral presentation of a topical research paper. The written research paper will constitute 65% of your grade. Your oral presentation (20 minutes minimum) will constitute 10% of your grade.

**PAPER REQUIREMENTS:** A topical paper on a practical pre-approved topic is required for obtaining credit in this course. Please approach this project with the enthusiasm of developing a writing sample that will accompany your professional resume!

1. **Length.** 20-25 pages, double spaced typewritten pages. Approval of the professor is required for longer papers. 12 point font preferred. No *miniature* fonts, please!

2. **Topics.** The paper topic must be approved no later than October 24<sup>th</sup>. A brief written description of the topic<sup>2</sup> to be approved must be submitted by October 22 in hand or by Email. A conference (after class or by telephone) to discuss topic ideas is encouraged. Preliminary research to test the viability of the topic should be done before proposing the topic to the professor. If you are having difficulty identifying a topic, peruse commercial natural resource or environmental reporter services such as: the BNA Environment Reporter, Chemical Regulation Reporter, BNA Toxics Law Reporter or Pesticides & Toxic Chemical News (Food Chemical News), or Environmental Law Institute publications for a topic arising under any of the statutes covered in the course.

It is essential that your topic include a real-life controversy or case as part of the study of the chosen topic. Approach this task as if you were a lawyer doing real work for a client (paying or *pro-bono*). *You soon will be!*

3. **Drafts.** Typewritten drafts are strongly encouraged, unless you're primary occupation or avocation is calligraphy...and you are really good at it. Feedback (including commentary on calligraphic style) will be delivered orally and in writing where needed.

4. **Deadlines.** Papers are due in final form on December 18, 2010. This will follow individual class presentations. Questions raised during class presentations may help to sharpen the focus of the research or additional amplification. No extensions will be granted after the deadline unless exceptional circumstances are shown.

5. **What to include.** These short papers should be the definitive word on individual topical areas. You will become the expert. Research should include law review articles,

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<sup>2</sup> Topics covered in previous seminars I have conducted included: "Environmental Policy on Tributyl Tin A Marine Anti-Fouling Agent and Endocrine Disruptor," "EPA's 33/50 Chemical Reduction Program - An Analysis," "Regulatory Control Strategies for Pesticide Run Off From Agricultural Operations: Toxic Buildup in Aquatic Species."

commentary, statutes, regulations, policy statements of applicable agencies, case law and whatever is relevant to your particular topic. Environmental law is a rapidly evolving area of law, with few issues reaching the Supreme Court as yet. Accordingly, to adequately evaluate a given issue, you may need to look carefully for emerging national, department, or agency guidance or trade publications for information on specific topics. It is a good idea to use the Chemical Regulation Reporter, Environment Reporter, Lexis, Westlaw and other current resources to look for current policy or unreported developments in topical areas. Conferences with the professor about your topic should also include a discussion of a research plan.

**6. Organization.** The purpose of writing is communication and the key to effective communication is organization, clarity of presentation and thoroughness. Your paper should have a title that reflects its scope and content. Begin with an introductory section and end with a conclusion. Use appropriate headings to divide and organize your discussion. Every paragraph should have a topic sentence. Do the thoughts follow logically? Have you effectively developed and communicated your thoughts? Does this paper answer your questions and reflect excellence of work product? Have you recommended a solution or raised additional policy or legal issues? Alas, not every issue has a clear cut answer.

**7. Footnotes.** You are strongly encouraged to use textual footnotes. Case citations may be placed in the text or in a footnote. Please use footnotes at the bottom of the page and not endnotes.

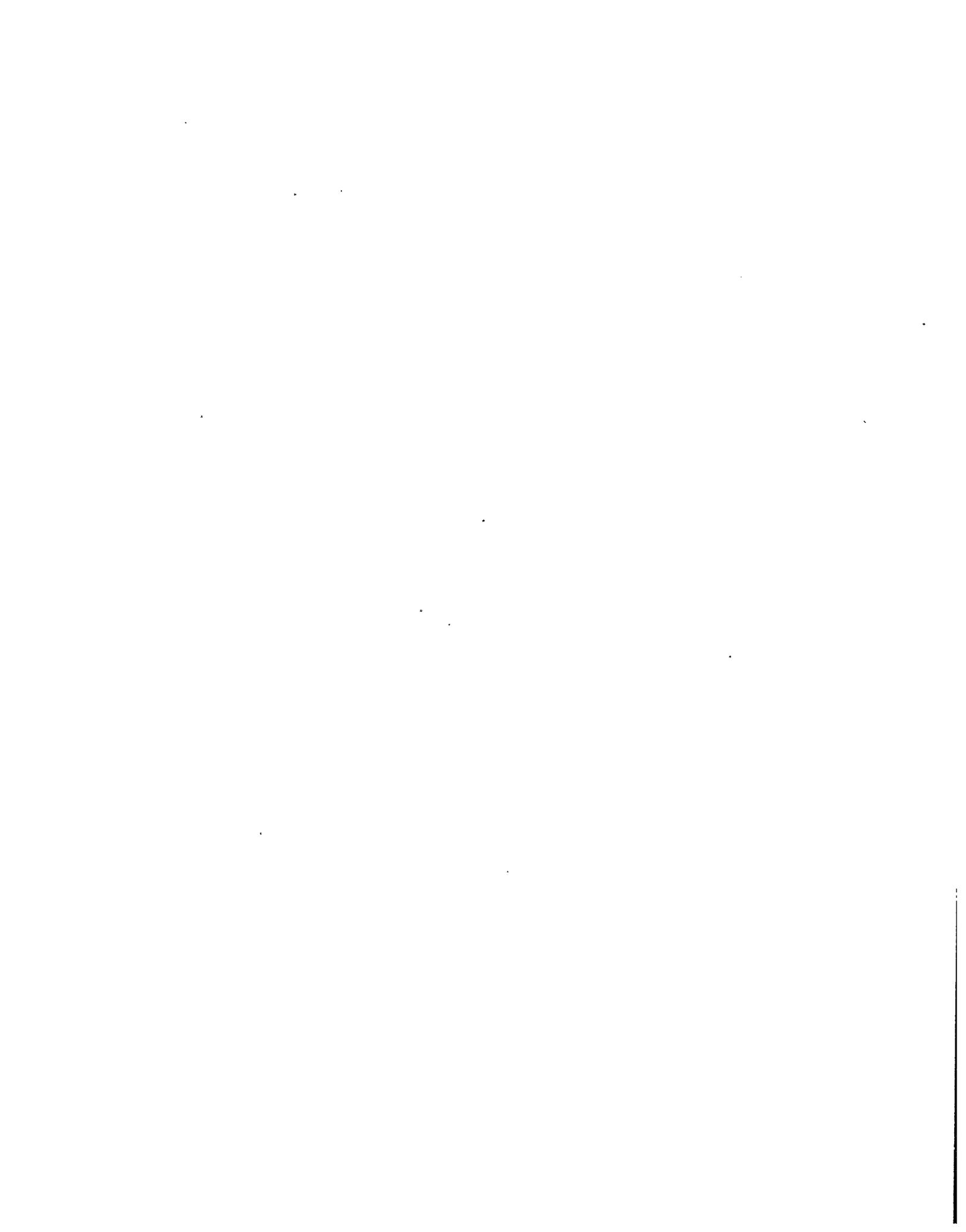
**8. Citation form.** Proper citation is an essential requirement of professional writing. The reader may assume (and the instructor will conclude) that if the citations are sloppy and inaccurate, so are the substantive aspects of the work. Each citation should be checked for form as well as accuracy. Consistent errors will result in a grade reduction to the next lowest grade.

**9. Retain a copy of all work you submit.** Where possible, develop the document on WordPerfect or Microsoft diskette format. This may enhance your ability to publish your work. Keep a second copy if needed and avoid excuses. Keep all pets well fed.

**10. Binding.** Staple the upper left corner. Please do not use binder covers.

**11. Have fun; be creative.** We live in a society dependent on natural resources; some finite, some renewable. Conflicts over use, preservation or exploitation are continuous. As lawyers, we identify, shape and help to resolve these disputes. Find a topic that you feel passionate about! Do not attempt any plagiarism.

**12. CLASS PAPERS ARE ELIGIBLE TO FULFILL THE ADVANCED WRITING REQUIREMENT.** You must get the instructor's agreement in advance that the written work and research will be sufficient to fulfill this requirement.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON D.C. 20460

SEP 27 2013

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE/SG-11103

**MEMORANDUM**

SUBJECT: Request for Approval of Outside Employment

FROM: Sherry Sterling  
Acting Deputy Director/Deputy Ethics Official  
Office of Compliance

TO: FOIA EX 6  
Director  
National Enforcement Training Institute

Thank you for your memo dated September 12, 2013, requesting approval of outside employment with the FOIA EX 6 FOIA EX 6 Foundation. You are assisting with their 21<sup>st</sup> Anniversary Gala on October 7, 2013, and you are being compensated for this work.

You state that this work does not involve or use any information that is confidential to EPA, or official EPA time or property. You are taking three hours of annual leave to fulfill this work.

Because this work does not conflict with your position at EPA, and you are not using official time or property, I am approving this request. Let me know if you have any questions in this regard.

cc: Marion Herz



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSISTANCE

MEMORANDUM

Date: September 12, 2013

From: ~~FOIA EXC~~ Director  
National Enforcement Training Institute

FOIA EXEMPTION 6

To: Marion Herz  
Deputy Ethics Officer for the Office of Compliance

Subject: Requesting Approval for Outside Employment

I am seeking approval for outside employment with the ~~EXC~~ Foundation ~~FOIA EXC~~. This is a not for profit entity that proposes to retain me to assist with their 21<sup>st</sup> Anniversary Gala at the Embassy of ~~FOIA EXC~~ on October 7, 2013.

I am being reimbursed for this work and certify that this work does not involve or use any information that is confidential to the EPA, or official time or property.

I anticipate taking 3 hours of annual leave and currently have sufficient leave to cover this activity without incurring a deficit.

If you have any questions about my request, please do not hesitate to contact me at ~~FOIA EXC~~

Attachment (1)

THE ACADEMY OF MOTION PICTURE ARTS AND SCIENCES  
PRESENTS  
A PICTURE BY  
FRANK CAPRA  
STARRING  
FRANK CAPRA  
MILVON BULMAN & WYNON MARGAIS  
**FOIA EXC**

Friends in Time of War



**FOIA EXC**  
**FOIA EXC**

Create with

**FOIA EXC**

9/12/2013



FOIA EXEMPTIONS FOIA EXC Foundation  
Strengthening ties through art and culture

HOME ABOUT GALAS ARCHIVE MEDIA SUPPORT CONTACT

News

Announcing EXC 21st Anniversary  
Gala, "Friends in Time of War."





In addition, your outside teaching employment must not involve official EPA time or property, and you may not use information that is confidential to EPA in relation to and in fulfilling these outside positions.

*David A Hindin, Deputy Director  
Office of Compliance  
U.S. Environmental Protection Agency  
voice 202-564-1300; fax 202-564-0027*



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

NOV - 6 2012

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

**MEMORANDUM:**

Subject: Approval of Outside Employment

From: Betsy Smidinger, Deputy Ethics Official  
Office of Compliance

A handwritten signature in black ink, appearing to read "Betsy Smidinger".

To: ~~FOIA exc 1~~ r, Director  
National Enforcement Training Institute

You have requested, retroactively, approval for outside employment covering two teaching positions (November 1, 2012 memo). There is no "three-year approval" for recurring outside employment. You must request approval before the employment is scheduled to begin.

You had employment arrangements with the University of ~~EIA exc~~ College of Law to teach Federal Commercial Chemical Regulation in the fall 2012 semester, and the University of ~~FOIA exc~~ College of Law to teach Federal Commercial Chemical Regulation in the fall 2012. You were compensated for teaching these courses. I am approving, retroactively, these employment arrangements.

You also report that you will be employed by the ~~FOIA exc~~ College of Law to teach Federal Natural Resources Law during the spring 2013 semester. I am approving this outside employment.

You should be aware that, while you are employed at the U.S. Environmental Protection Agency and while you are employed by these universities, you may not participate in any government matter that will affect the financial interests of these schools. Under 18 section 208, the interests of these universities are considered to be yours.

In addition, your outside teaching employment should not involve official EPA time or property, and you may not use information that is confidential to EPA in relation to and in fulfilling these outside positions.

If you plan to assume outside employment in the future, I advise you to request approval in advance. I recommend that you request approval for all positions that you plan to assume for each fiscal year. In the future, approval will not be granted retroactively.

cc: Marion Herz  
Justina Fugh



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MEMORANDUM

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

Date: November 1, 2012

From: FOIA EXC 1, Director  
National Enforcement Training Institute  
*FOIA exemption 6*

To: Betsy Smidinger  
Designated Ethics Officer for Office of Compliance

Subject: **Request for Approval for Outside Employment**

You have requested that I seek re-approval for outside employment, which To be consistent with Agency Guidance on Ethics and Conflicts of Interest and 18 U.S.C. Section 201, *et seq.* My understanding was that approval for outside academic work of a "recurring" nature was "good for 3 years" though I have yet to locate the precise email or memo documentation that I was relying upon. Accordingly, I am formally re-submitting this request for approval of outside employment.

As of this date, I have contract employment arrangements with the following academic entities:

1. **The University of FOIA EXC 1 College of Law.** I am employed by the State of FOIA EXC 1 to teach *Federal Commercial Chemical Regulation* during the fall 2012 semester. I take annual leave each week to teach this course and therefore do not utilize any official EPA time or property or use information that is confidential to EPA in relation to or fulfilling this outside position. This is a 12 week course which meets on Wednesdays from 2:10 to 4:10pm. Income from this course will appear on my Financial Disclosure Form.
2. **The University of FOIA EXC 1 College of Law** I was employed by the State of EXC 1 to teach a 1 credit "flex" version of *Federal Commercial Chemical Regulation* during the fall 2012 semester. I took annual leave to

teach this course and did not utilize any official EPA time or property or use information that is confidential to EPA in relation to or to fulfill this outside position. This was a three day course on a Friday, Saturday and Sunday. Income from this course will appear on my Financial Disclosure Form.

3. The 'FOIA EXEMPTION' College of Law I will be employed by the State of EXC to teach Federal Natural Resources Law during the spring 2013 semester. I also taught this identical course during the Spring, 2012 semester. I take annual leave to teach this course and do not utilize any official EPA time or property or use information that is confidential to EPA in relation to or to fulfill this outside position. This is a 12 week course on Wednesdays from 4:00PM to 6:00pm. . Income from these courses will appear on my Financial Disclosure Form.
4. Additionally as you know from a prior submittal, I am a shareholder in 'FOIA EXEMPTION' EXC which is a Subchapter S corporation for which I have received prior outside employment authorization for you as Deputy Ethics Officer. Income from this entity will appear on my Financial Disclosure Form.

Finally, in the interest of accuracy, I wish to bring to your attention two additional sources of "employment" from which I am paid, receive an IRS 1099 and annually disclose to the EPA Ethics Office as part of my annual financial statement. The Ethics Office has never *sua sponte* recommended that I seek approval for such activities, though in the interest of fully complying with your request, and in the spirit of this exercise, specifically request authorization for these additional outside employment opportunities.

1. 'FOIA EXEMPTION' EXC In 2012, as in prior years, I have been paid to perform with the 'FOIA EXEMPTION' EXC, now merged with the 'FOIA EXC in 2011. I have also worked at the 'FOIA EXC with the 'FOIA EXEMPTION' EXC and 'FOIA EXC EXC as a character actor. The 'FOIA EXC er now administers all performance payments through a central office and is therefore identified by me in the Financial Disclosure Report as the "employer." Income from this entity has appeared on my Financial Disclosure Form in the past and will be reported in the next reporting cycle.
2. 'FOIA EXEMPTION' EXC I have been paid to perform with this local theater entity, though the fees paid are insufficient to trigger the

1099 reporting requirement in most years. Income from this entity, though modest, may constitute outside employment and therefore for purposes of this exercise, specifically request authorization for this addition outside employment. For tax purposes, I generally donate all fees directly back to this 501 ( c )(3) organization.

Thank you for your cooperation. I have entered into my calendar function a **reminder** to revisit this Request for Outside Employment in 120 days to reflect any deletions or additions.



FOIA EX 6 at College of Law  
FOIA EXEMPTION 6

FOIA EXEMPTION 6

Tel: FOIA EX 6  
Fax: FOIA EX 6

FOIA EX 6  
Assistant Dean for  
Academic Administration  
and Student Affairs

FOIA EX 6  
EX 6

December 24, 2002

FOIA EXEMPTION 6  
U.S. EPA, Region 5  
77 W. Jackson Blvd.  
Chicago, IL 60604

Dear FOIA EXEMPTION 6

I am pleased to confirm your appointment as Adjunct Professor of Law for the Spring 2003 semester to teach Current Issues in Environmental Law seminar with FOIA EX 6 on Wednesdays from 7:35 - 9:25 p.m.. Your compensation will be \$ EX 6, payable in four equal installments on the last business days of February, March, April, and May. Classes begin Tuesday, January 21, 2003.

I am enclosing an Adjunct Faculty Data Sheet and payroll forms. Please return them to EX 6 the administrator of my office, at your earliest convenience. We will handle your mail and paychecks as indicated on the Data Sheet. I recommend direct deposit for your check. A direct deposit form is enclosed for you to return to EX 6. Alternatively we can mail the check to you or you may obtain it from the Bursar's office on the second floor. If you do not pick it up within five business days of the issue date, the Bursar's office will mail it to you.

I am also enclosing the Spring 2003 academic calendar. A seating chart and an initial class roster will be sent before the semester begins.

Please call me if you have any questions. On behalf of our faculty, students and administration, welcome to FOIA EX 6. Have a Happy Holiday and a successful semester.

Sincerely,

FOIA EXEMPTION 6

FOIA EX 6

MEMORANDUM

SUBJECT: Request for Approval for Outside *Employment/Activity* pursuant to 5 CFR 6401.103.

FROM: FOIA EXEMPTION 6  
Associate Regional Counsel, GS-15

THRU: Connie Puchalski  
Chief Section 4, Multi - media Branch 1

TO: Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

Pursuant to 5 CFR 6401.103, I hereby request approval for outside employment and state the following in support of this request.

1. The nature of the outside activity, including a full description of the services to be performed:

Provide individual consultations to participants in the FOIA EXL Foundation FOIA EXL of FOIA EXEMPTION 6's Pro Se Divorce Clinic.

2. The name and business of the person or organization for which the work will be done:

EXL Foundation FOIA EXEMPTION 6

3. The estimated amount of time to be devoted to the activity: 2 to 4 hours a month

4. The amount of compensation expected: None

5. The basis for compensation (e.g., fee, per diem, per annum, etc.): N/A

6. The service will be performed entirely outside of normal duty hours.

7. The person at EXL who runs the Divorce Clinic says that EXL probably does not hold any EPA assistance agreements or contracts.

8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

9. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.

MEMORANDUM

SUBJECT: Request for Approval for Outside *Employment/Activity* pursuant to 5 CFR 6401.103.

FROM: ~~FOIA ex~~ Environmental Scientist, GS 14-10

FOIA EXC -- 2/15/08

THRU: Paul Horvatin  
Chief, MIRB, GLNPO

TO: Bharat Mathur  
Deputy Ethics Official  
Region 5

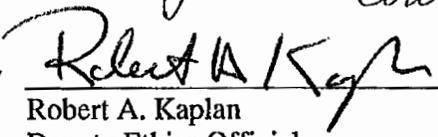
Pursuant to 5 CFR 6401.103, I hereby request approval for outside employment and state the following in support of this request.

1. Continuation of participation as a member of the Advisory Board for the School of Forest Resources and Environmental Science at ~~FOIA EXEMPTION~~ University. The role of the Board is to give advice to the Dean, and is made up of members representing some of our stakeholders from businesses, small non-industrial private landowners, industry, and state and federal.
2. School of Forest Resources and Environmental Science, ~~FOIA EX. 6~~ University, ~~FOIA EXEMPTION~~, Dean, ~~FOIA EX. 6~~ ~~FOIA EX. 6~~ .edu
3. The Board meets one to two times per year as a whole; subcommittees meet more frequently either by conference call, or through email. I anticipate spending approximately 1-2 hours per month with emails and phone calls participating on this board. With an annual meeting where I will take annual leave and pay my own travel.
4. The amount of compensation expected from this work is 0 dollars.
5. The service will be performed primarily outside of normal duty hours with the exception of the 1- 2 hours per month mentioned above on phone calls and emails.
6. The person to or for whom services would be provided does not hold any EPA assistance agreements or contracts. Although ~~FOIA EX. 6~~ University does hold grants with GLNPO, none of them are with the School of Forest Resources and Environmental Science.
7. Only periodic emails and telephone calls will be utilized for this participation. Much of this is work directly related to EPA's functions by cooperatively advising the University on skills needed for future EPA employees.

Approved by  Date: 6-3-10  
Connie Puchalski

Approved by  Acting for Date: 6-3-10  
Leverett Nelson, Chief of Multi-media Branch I

Concurred by  Date: 6/7/10  
Marcy Toney (ORC) *Counseling re proposed rules was provided.*

Approved by  Date: 6/7/10  
Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and 6401.102, as required by 5 CFR 6401.103.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

**MEMORANDUM**

REPLY TO THE ATTENTION OF:

**SUBJECT:** Request for Approval for Outside Activity pursuant to 5 C.F.R. § 6401.103.

**FROM:** FOIA EXEMPTION  
General Attorney, GS-15

**THRU:** Eileen Furey  
Section Chief, Multi-Media Branch II

**TO:** Robert A. Kaplan  
Regional Counsel/Deputy Ethics Official

Pursuant to 5 C.F.R. § 6401.103, I request approval for outside activity and state the following in support of this request:

1. The nature of the outside activity, including a full description of the services to be performed:

I will be providing pro bono legal analysis, advice, and services to a not-for-profit organization. The areas of legal analysis, advice, and services to be provided may include real estate, contract, employment, and trademark work. The areas of legal analysis, advice, and services to be provided *do not* include environmental work.

2. The name and business of the person or organization for which the work will be done:

EXC The Center For FOIA EXEMPTIONS

3. The estimated amount of time to be devoted to the activity:

5-10 hours per month.

4. The amount of compensation expected:

Zero.

5. The basis for compensation (e.g., fee, per diem, per annum, etc.):

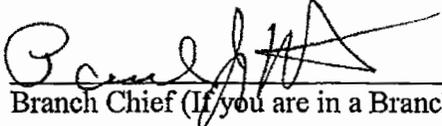
Not applicable.

6. The service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required).

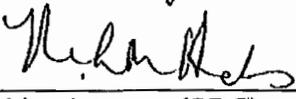
8. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.

Approved by \_\_\_\_\_  
Supervisor

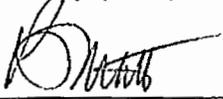
Date:

Approved by   
Branch Chief (If you are in a Branch).

Date: 2/18/2008

Concurred by   
Ethics Attorney (ORC)

Date: 4/4/08

Approved by   
Bharat Mathur  
Deputy Ethics Official  
Region 5

Date: 4/7/08

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and 6401.102, as required by 5 CFR 6401.103.

**MEMORANDUM**

TO: FOIA Exempt  
Assistant Regional Counsel

FROM: Ann L. Coyle <sup>ALC</sup>  
Assistant Deputy Ethics Official

RE: Outside Employment/Attorney

DATE: October 25, 2013

You have requested advice with respect to your proposal to provide *pro bono* legal services to the Center for FOIA exemption ( ) in FOIA Exempt while you are employed here at EPA; specifically, providing legal advice to a not-for-profit arts foundation on issues including, but not limited to, real estate, contract, employment and trademarks. You will not provide any legal advice on environmental issues. As a general matter, such a proposal can be approved, so long as your activity does not violate any statute or federal regulation, particularly the Standards of Ethical Conduct for Employees of the Executive Branch (5 C.F.R. Part 2635). The federal ethics laws and regulations applicable to this type of outside activity are summarized as follows:

- An employee of the executive branch is prohibited from acting as an agent “for prosecuting any claim against the United States” or from acting as an agent before any department, agency or court in connection with “any covered matter in which the United States is a party or has a direct and substantial interest.” The term “covered matter” includes any judicial or other proceeding, claim or controversy. This statute prohibits you from acting as an agent for any party in a matter in which the United States is a party or has a direct and substantial interest. 18 U.S.C. § 205. In addition, 18 U.S.C. § 203(a) prohibits similar representational activities when performed for compensation.
- An employee of the executive branch is prohibited from participating personally and substantially in an official capacity in any “particular matter” in which he (or any person whose interests are imputed to him<sup>1</sup>) has a financial interest, if the particular matter will have a direct and predictable effect on that interest. 18 U.S.C. § 208(a) and 5 C.F.R. § 2635.402. Thus, you are prohibited from working on any matter here at EPA involving Exempt
- An employee should not participate in a particular matter involving specific parties that he knows is likely to affect the financial interests of a member of his household, or in which he knows a person with whom he has a “covered relationship” is or represents a

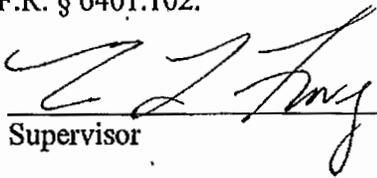
<sup>1</sup> The financial interests of the following persons are imputed to the federal employee: the employee’s spouse, the employee’s minor child; the employee’s general partner; an organization or entity which the employee serves as officer, director, trustee, general partner or employee; and a person with whom the employee is negotiating for or has an arrangement concerning prospective employment. 5 C.F.R. § 2635.402(b)(2).

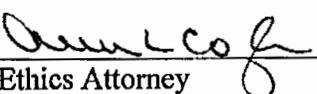
7. The person to or for whom services would be provided does not hold any EPA assistance agreements or contracts.

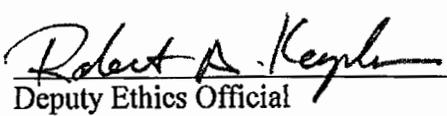
8. I will not use official duty time or government property, resources, or facilities not available to the general public in connection with the outside employment.

9. I will not use my government position or title or any authority associated with my public office in a manner that could reasonably be construed to imply that U.S. EPA or the federal government sanctions or endorses my personal activities, including my involvement with Intuit, or those of another.

10. I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and 5 C.F.R. § 6401.102.

Approved by:  Date: 10/24/13  
Supervisor

Concurred by:  Date: 10/25/13  
Ethics Attorney

Approved by:  Date: 10/25/13  
Deputy Ethics Official

By signing this approval, the Deputy Ethics Official signifies that he has granted approval based on a determination that the outside employment is not expected to involve conduct prohibited by statute or federal regulation, including 5 C.F.R. Part 2635 and 5 C.F.R. § 6401.102, as required by 5 C.F.R. § 6401.103.

## REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

November 4, 2013

### MEMORANDUM

**SUBJECT:** Request for Approval for Outside Activity pursuant to 5 C.F.R. § 6401.103.

**FROM:** FOIA EXEMPTION 6  
Regional Criminal Enforcement Counsel, GS-14

**THRU:** Jane Lupton, Branch Chief, Multi-Media Branch *JZ*  
David Taliaferro, Team Leader *DMT*

**TO:** Robert A. Kaplan  
Regional Counsel/Deputy Ethics Official

Pursuant to 5 C.F.R. § 6401.103, I request approval for outside employment and state the following in support of this request:

1. The nature of the outside activity, including a full description of the services to be performed:

Pro-bono legal counseling and legal services to FOIA EXEMPTION 6, a non-profit animal welfare organization (currently located in FOIA EX 6). Services provided may include legal advice, review and drafting of contracts and other agreements. Theoretically, litigation-related services (State court only) may be provided, although this is highly unlikely. In addition, any such litigation would be limited to State court, and would not involve any matter in which the United States would have any interest.

Furthermore, in the event that any such litigation-related matter becomes foreseeable, I will seek specific approval to represent FOIA EXEMPTION 6 in such matter.

2. The name and business of the person or organization for which the work will be done:

FOIA EXEMPTION 6  
FOIA EX 6, President  
FOIA EX 6, Co-President

3. The estimated amount of time to be devoted to the activity:

One to five hours per week, on average.

4. The amount of compensation expected: None.

party, if he determines that a reasonable person with knowledge of the relevant facts would question his impartiality in the matter. 5 C.F.R. §§ 2635.501 and 502. An employee has a "covered relationship" with a person with whom he has or seeks a business, contractual or other financial relationship, a member of his household, and a person for whom the employee has served as an agent, among others. 5 C.F.R. § 2635.502(b)(1). These regulations prohibit you from working as an EPA employee on any matter involving these various entities or individuals with whom you have a personal or business relationship.

- An employee cannot use his public office for his own private gain, for the endorsement of any product, service or enterprise, or for the private gain of friends, relatives or persons with whom the employee is affiliated in a nongovernmental capacity and persons with whom the employee has or seeks employment or business relations. 5 C.F.R. § 2635.702. This regulation prohibits you from using your EPA position or title to promote ~~EX~~ or for the private gain of ~~EX~~
- An employee may not use his government position or title or any authority associated with his public office in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to himself or to friends, relatives or persons with whom the employee is affiliated in a nongovernmental capacity. 5 C.F.R. § 2635.702(a).
- An employee may not use his government position or title or any authority associated with his public office in a manner that could reasonably be construed to imply that his agency or the government sanctions or endorses his personal activities or those of another. 5 C.F.R. § 2635.702(b).
- An employee must use government property and his official time only for authorized purposes. 5 C.F.R. § 704 and 705. You cannot conduct your business while you are on official duty nor can you use government equipment or the services of other EPA employees who are on duty to conduct your business. See EPA's *Policy on Limited Personal Use of Government Equipment*.
- An employee may not serve as an expert witness with or without compensation on behalf of a party (other than the United States) in any proceeding in which the U.S. has a "direct and substantial" interest unless specifically authorized by the agency. 5 C.F.R. § 2635.805.

As I have indicated above, your request for prior approval to provide *pro bono* legal services likely will be approved. In situations where the application of these regulations to a specific matter is not entirely clear, it would be prudent that you submit specific matters for specific approval, as each new matter may pose a distinct conflict of interest or ethical analysis.

Please do not hesitate to contact me (6-2248) if you have any questions.

5. The basis for compensation (e.g., fee, per diem, per annum, etc.): N/A

6. The service will not be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required).

The service will be performed primarily outside of normal duty hours. Occasionally, attendance at a meeting in connection with providing the service may be required during normal duty hours. However, this scenario will occur rarely, and would consume no more than 8 to 12 hours per year.

7. The person to or for whom services would be provided does not hold any EPA assistance agreements or contracts.

8. I will not use official duty time or government property, resources or facilities not available to the general public in connection with the outside employment.

9. I will not use my government position or title or any authority associated with my public office in a manner that could reasonably be construed to imply that U.S. EPA or the federal government sanctions or endorses my personal activities, including my involvement with WIA EXEMPTIONS, or those of another.

10. I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and 5 C.F.R. § 6401.102.

Approved by: Jane M. Lupton  
Supervisor  
Jane Lupton  
Branch Chief, MM Branch I

Date: 11-14-13

Concurred by: Ann Coyle  
Ethics Attorney  
Ann Coyle, Regional Judicial Officer

Date: 11/15/13, see attached memo

Approved by: Robert A. Kaplan  
Deputy Ethics Official  
Robert A. Kaplan, Regional Counsel

Date: 11/15/13

By signing this approval, the Deputy Ethics Official signifies that he has granted approval based on a determination that the outside employment is not expected to involve conduct prohibited by statute or federal regulation, including 5 C.F.R. Part 2635 and 5 C.F.R. § 6401.102, as required by 5 C.F.R. § 6401.103.

**MEMORANDUM**

TO: FOIA EX 6  
Assistant Regional Counsel

FROM: Ann L. Coyle ALC  
Assistant Deputy Ethics Official

RE: Outside Employment/Attorney

DATE: November 15, 2013

You have requested advice with respect to your proposal to provide *pro bono* legal services to the FOIA exemption 6 ( ) in FOIA EX 6 while you are employed here at EPA; specifically, providing legal advice to and reviewing and drafting contracts and other agreements on behalf of a not-for-profit animal welfare organization. If you are asked to provide any litigation-related services to \_\_\_\_\_ you will seek a separate outside activity approval. As a general matter, such a proposal can be approved, so long as your activity does not violate any statute or federal regulation, particularly the Standards of Ethical Conduct for Employees of the Executive Branch (5 C.F.R. Part 2635). The federal ethics laws and regulations applicable to this type of outside activity are summarized as follows:

- An employee of the executive branch is prohibited from acting as an agent “for prosecuting any claim against the United States” or from acting as an agent before any department, agency or court in connection with “any covered matter in which the United States is a party or has a direct and substantial interest.” The term “covered matter” includes any judicial or other proceeding, claim or controversy. This statute prohibits you from acting as an agent for any party in a matter in which the United States is a party or has a direct and substantial interest. 18 U.S.C. § 205. In addition, 18 U.S.C. § 203(a) prohibits similar representational activities when performed for compensation.
- An employee of the executive branch is prohibited from participating personally and substantially in an official capacity in any “particular matter” in which he (or any person whose interests are imputed to him<sup>1</sup>) has a financial interest, if the particular matter will have a direct and predictable effect on that interest. 18 U.S.C. § 208(a) and 5 C.F.R. § 2635.402. Thus, you are prohibited from working on any matter here at EPA involving EX 6.
- An employee should not participate in a particular matter involving specific parties that he knows is likely to affect the financial interests of a member of his household, or in which he knows a person with whom he has a “covered relationship” is or represents a

<sup>1</sup> The financial interests of the following persons are imputed to the federal employee: the employee’s spouse, the employee’s minor child; the employee’s general partner; an organization or entity which the employee serves as officer, director, trustee, general partner or employee; and a person with whom the employee is negotiating for or has an arrangement concerning prospective employment. 5 C.F.R. § 2635.402(b)(2).

party, if he determines that a reasonable person with knowledge of the relevant facts would question his impartiality in the matter. 5 C.F.R. §§ 2635.501 and 502. An employee has a "covered relationship" with a person with whom he has or seeks a business, contractual or other financial relationship, a member of his household, and a person for whom the employee has served as an agent, among others. 5 C.F.R. § 2635.502(b)(1). These regulations prohibit you from working as an EPA employee on any matter involving these various entities or individuals with whom you have a personal or business relationship, including FOIA EXC

- An employee cannot use his public office for his own private gain, for the endorsement of any product, service or enterprise, or for the private gain of friends, relatives or persons with whom the employee is affiliated in a nongovernmental capacity and persons with whom the employee has or seeks employment or business relations. 5 C.F.R. § 2635.702. This regulation prohibits you from using your EPA position or title to promote EXC or for the private gain of FOIA EXC
- An employee may not use his government position or title or any authority associated with his public office in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to himself or to friends, relatives or persons with whom the employee is affiliated in a nongovernmental capacity. 5 C.F.R. § 2635.702(a).
- An employee may not use his government position or title or any authority associated with his public office in a manner that could reasonably be construed to imply that his agency or the government sanctions or endorses his personal activities or those of another. 5 C.F.R. § 2635.702(b).
- An employee must use government property and his official time only for authorized purposes. 5 C.F.R. § 704 and 705. You cannot conduct your business while you are on official duty nor can you use government equipment or the services of other EPA employees who are on duty to conduct your business. See EPA's *Policy on Limited Personal Use of Government Equipment*.
- An employee may not serve as an expert witness with or without compensation on behalf of a party (other than the United States) in any proceeding in which the U.S. has a "direct and substantial" interest unless specifically authorized by the agency. 5 C.F.R. § 2635.805.

As I have indicated above, your request for prior approval to provide *pro bono* legal services likely will be approved. In addition to the possibility that you might be asked to provide litigation services to EXC in situations where the application of these regulations to a specific matter is not entirely clear, it would be prudent that you submit specific matters for specific approval, as each new matter may pose a distinct conflict of interest or ethical analysis.

Please do not hesitate to contact me (6-2248) if you have any questions.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF.

MEMORANDUM

SUBJECT: Request for Approval for Outside Employment Pursuant  
to 5 CFR 6401.103.

FROM: <sup>FOIA</sup> ~~FOIA~~ ~~Exemption 6~~  
Associate Regional Counsel, GS-14

THRU: Connie Puchalski  
Section Chief *[Signature]*

TO: Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

Pursuant to 5 CFR 6401.103, I hereby request approval for outside employment and state the following in support of this request.

1. The nature of the outside activity, including a full description of the services to be performed: Rendering of general legal advice and services as in-house counsel to a corporation owned and operated by my immediate family.
2. The name and business of the person or organization for which the work will be done: ~~FOIA Ex 6~~ Corporation, a producer of specialty advertising products.
3. The estimated amount of time to be devoted to the activity: Less than 20 hours per week.
4. The amount of compensation expected: \$ ~~Ex 6~~ /year.
5. The basis for compensation (e.g., fee, per diem, per annum, etc.): Annual salary paid bi-weekly.
6. The service will be performed entirely outside of normal duty hours.
7. The person to or for whom services would be provided does not hold any EPA assistance agreements or contracts.
8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION 5  
 77 WEST JACKSON BOULEVARD  
 CHICAGO, IL 60604-3590

**MEMORANDUM**

**DATE:** November 16, 2004

**SUBJECT:** Request for Approval of Outside Employment

**FROM:** FOIA exemption 4  
 Associate Regional Counsel

**TO:** Bertram C. Frey  
 Acting Regional Counsel, Deputy Ethics Official (DEO)

REPLY TO THE ATTENTION OF:

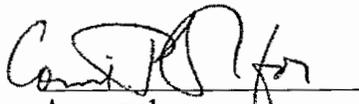
I request approval of the following outside employment:

- a. The applicant is FOIA EXC , Associate Regional Counsel, GS-14.
- b. The outside employment involves the rendering of legal advice and services to personal friends, FOIA exemption 4 , regarding a failed attempt to purchase real estate. There will be no compensation for this employment. The outside work will not include matters requiring an appearance in any matter in which the United States Environmental Protection Agency has an interest or any contested matter involving the United States government.
- c. The outside employment will be for FOIA exemption 4 , personal friends of FOIA
- d. The estimated time to be devoted to outside work would be 0 to 5 hours per week.
- e. The service will be performed entirely outside normal duty hours.
- f. The outside employment will not include consulting or professional services to institutions which will have or may seek federal assistance agreements or contracts.

  
 Approval

\_\_\_\_\_ Disapproval

C. Puchalski,  
 Section Chief

  
 Approval

\_\_\_\_\_ Disapproval

R. Nelson,  
 Branch Chief

  
 Approval

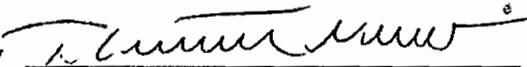
\_\_\_\_\_ Disapproval

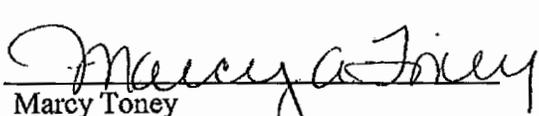
B. Frey,  
 Acting Regional Counsel

11/16/2004

9. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.

Approved by  Date: 3-28-07  
Connie Puchalski  
Supervisor

Approved by  Date: 3/28/07  
Leverett Nelson  
Branch Chief

Concurred by  Date: 3/28/07  
Marcy Toney  
Ethics Attorney (ORC)

Approved by  Date: 3/28/07  
 Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and 6401.102, as required by 5 CFR 6401.103.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

January 16, 2002

MEMORANDUM

TO: Bertram C. Frey  
Acting Regional Counsel  
Deputy Ethics Official

FROM: <sup>FOIA</sup> EXEMPTION <sup>6</sup>  
Assistant Regional Counsel

SUBJECT: Request Permission for Outside Employment  
Adjunct Professor - University - Winter 2002

This memorandum is to request your permission for me to teach at FOIA EX 6 University during this semester. The following information is presented to assist you in your decision:

a. Employee's name, title and grade:

FOIA EXEMPTION 6, General Attorney, GS-14.

b. Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:

I would be the only instructor for a class entitled *Environmental Problems of Metropolitan Areas*. The class is a core class offered at FOIA 6 University in their Policy Studies Department. I have taught this class in the past.

The class is offered once per week on Monday afternoons. The semester is approximately fourteen weeks long and starts at on January 21, 2002. The total amount of compensation will be approximately \$: FOIA EX 6

c. The name and business of the person or organization for which the work will be done:

FOIA EX 6 University.

d. The estimated time to be devoted to the activity:

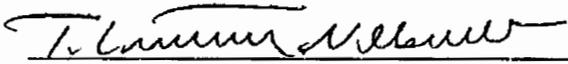
Approximately 4 - 8 hours per week. Classes are taught during the afternoon on Monday. I will be splitting my off-day or using annual leave to teach this course. I will not use any government time or supplies for this class.

e. Whether the service will be performed entirely outside of normal duty hours;;

Yes in that I will be teaching it during my compressed day off (split day) or with the use of annual leave. Additionally, this activity will not involve the use of government property or personnel. I will comply with all the ethical standards applicable to government employees and to attorneys, including the standards regarding conflict of interest and client confidentiality.

f. The assistance agreements or contracts involved if the outside employment will include consulting or professional services to institutions which have or may seek federal assistance agreements or contracts.

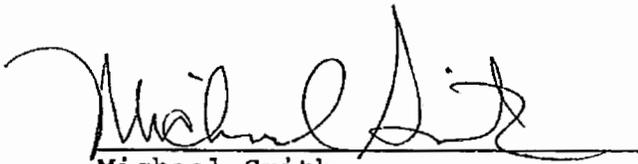
Not applicable.



T. Leverett Nelson  
Section Chief

Approval       Disapproval

per 5 C.F.R. § 6401.103



Michael Smith  
Branch Chief

Approval       Disapproval



Bertram C. Frey  
Acting Regional Counsel  
Deputy Ethics Official

Approval       Disapproval



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

August 18, 1999

MEMORANDUM

TO: Gail C. Ginsberg  
Regional Counsel  
Deputy Ethics Official

FROM: *FOIA*  
*EXEMPTION 6*  
Assistant Regional Counsel

SUBJECT: Request Permission for Outside Employment  
Adjunct Professor - *FOIA EX 6* University - Fall 1999

This memorandum is to request your permission for me to teach at Roosevelt University during this semester. The following information is presented to assist you in your decision:

a. Employee's name, title and grade:

*FOIA EXEMPTION 6* General Attorney, GS-14.

b. Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:

I would be the only instructor for a class entitled *Environmental Problems of Metropolitan Areas*. The class is a core class offered at *FOIA EX 6* University in their Policy Studies Department. I have taught this class in the past.

The class is offered once per week on Wednesday evenings. The semester is approximately fourteen weeks long and starts at the beginning of September. The total amount of compensation will be approximately: *FOIA EX 6*

c. The name and business of the person or organization for which the work will be done:

*FOIA EX 6* University.

**SIGN-OFF FOR THE OFFICE OF REGIONAL COUNSEL**

	<u>Attorney Paralegal</u>	<u>Section Secretary</u>	<u>Section Chief</u>	<u>Branch Secretary</u>	<u>Branch Chief</u>	<u>RC/DRC Secretary</u>	<u>DRC</u>	<u>RC</u>	<u>Other</u>
<i>Initial</i>			<i>JN</i>		<i>MS</i>			<i>RF</i>	
<i>Date</i>			<i>1/16/02</i>		<i>1/17/02</i>			<i>1/22/02</i>	



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

January 8, 1999

MEMORANDUM

TO: Gail C. Ginsberg  
Regional Counsel  
Deputy Ethics Official

FROM: <sup>FOIA</sup> EXEMPTION 6  
Assistant Regional Counsel

SUBJECT: Request Permission for Outside Employment  
Adjunct Professor - FOIA EX 6 University - Spring 1999

This memorandum is to request your permission for me to teach at FOIA EX 6 University during this semester. The following information is presented to assist you in your decision:

a. Employee's name, title and grade:

FOIA EXEMPTION 6, General Attorney, GS-14.

b. Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:

I would be the only instructor for a class entitled *Environmental Law and Policy*. The class is a core class offered at FOIA EX 6 University in their Policy Studies Department. I have taught this class in the past.

The class is offered once per week on Thursday evenings. The semester is approximately fourteen weeks long and starts in the middle of January. The total amount of compensation will be approximately FOIA EX 6.

c. The name and business of the person or organization for which the work will be done:

FOIA EX 6 University.

d. The estimated time to be devoted to the activity:

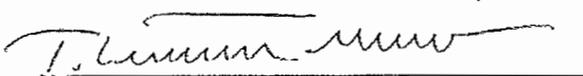
Approximately 4 - 8 hours per week. Classes are taught in the evening, after work, so no leave will be necessary and I will not use any government time or supplies for this class.

e. Whether the service will be performed entirely outside of normal duty hours;;

Yes. Additionally, this activity will not involve the use of government property or personnel. I will comply with all the ethical standards applicable to government employees and to attorneys, including the standards regarding conflict of interest and client confidentiality.

f. The assistance agreements or contracts involved if the outside employment will include consulting or professional services to institutions which have or may seek federal assistance agreements or contracts.

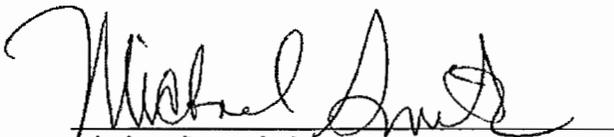
Not applicable.



T. Leverett Nelson  
Section Chief

Approval

Disapproval



Michael Smith  
Branch Chief

Approval

Disapproval



Gail C. Ginsberg  
Regional Counsel  
Deputy Ethics Official

Approval

Disapproval

8/23/99



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

December 3, 1997

MEMORANDUM

TO: Gail C. Ginsberg  
Regional Counsel  
Deputy Ethics Official

FROM: FOIA EXEMPTION Co  
Assistant Regional Counsel

SUBJECT: Request Permission for Outside Employment  
Adjunct Professor - FOIA EX University - Spring  
Semester 1998.

This memorandum is to request your permission for me to teach at FOIA EX University during the spring semester of 1998. The following information is presented to assist you in your decision:

a. Employee's name, title and grade:

FOIA EXEMPTION Co, General Attorney, GS-14.

b. Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:

I would be the only instructor for two classes in environmental law. The classes are core classes offered at FOIA EX University in their Lawyer's Assistance Program and their Policy Studies Department. I have taught this class in both Departments in the past.

The classes will be offered on Thursday evenings and Saturday afternoons. The semester is approximately sixteen weeks long and starts in mid-January. The total amount of compensation will be approximately FOIA EX.

c. The name and business of the person or organization for which the work will be done:

FOIA EX University.

d. The estimated time to be devoted to the activity:

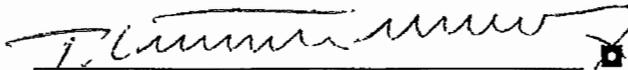
Approximately 4 - 8 hours per week. Classes are taught in the evening, after work, so no leave will be necessary and I will not use any government time or supplies for this class.

e. Whether the service will be performed entirely outside of normal duty hours.;

Yes. Additionally, this activity will not involve the use of government property or personnel. I will comply with all the ethical standards applicable to government employees and to attorneys, including the standards regarding conflict of interest and client confidentiality.

f. The assistance agreements or contracts involved if the outside employment will include consulting or professional services to institutions which have or may seek federal assistance agreements or contracts.

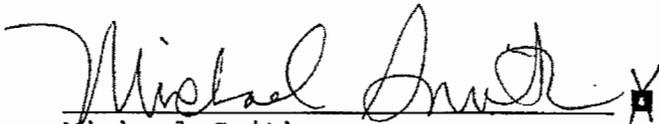
Not applicable.



T. Leverett Nelson  
Section Chief

Approval

Disapproval



Michael Smith  
Branch Chief

Approval

Disapproval



Gail C. Ginsberg  
Regional Counsel  
Deputy Ethics Official

Approval

Disapproval



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

August 19, 1997

MEMORANDUM

TO: Bertram C. Frey,  
Acting Regional Counsel  
Deputy Ethics Official

FROM: FOIA EXEMPTION 6  
Assistant Regional Counsel

SUBJECT: Request Permission for Outside Employment  
Adjunct Professor - University - Fall  
Semester 1997.

This memorandum is to request your permission for me to teach at Roosevelt University during the fall semester of 1997. The following information is presented to assist you in your decision:

a. Employee's name, title and grade:

FOIA EXEMPTION 6, General Attorney, GS-14.

b. Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:

I would be the only instructor for a class entitled "Environmental Law and Policy." The class is a core class offered at FOIA EX 6 University in their Lawyer's Assistance Program. I have taught this class in the past.

The class is offered once per week on Tuesday evenings. The semester is approximately fourteen weeks long and starts in early September. The total amount of compensation will be approximately \$ FOIA EX 6.

c. The name and business of the person or organization for which the work will be done:

FOIA EX 6 University.

d. The estimated time to be devoted to the activity:

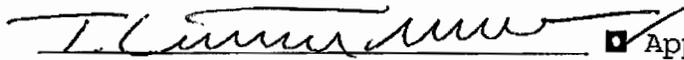
Approximately 6 hours per week. Classes are taught in the evening, after work, and on Saturdays so no leave will be necessary. I have taught both of these courses in the past so minimal preparation time will be necessary. I will not use any government time or supplies for this class.

e. Whether the service will be performed entirely outside of normal duty hours:

Yes. Additionally, this activity will not involve the use of government property or personnel. I will comply with all the ethical standards applicable to government employees and to attorneys, including the standards regarding conflict of interest and client confidentiality.

f. The assistance agreements or contracts involved if the outside employment will include consulting or professional services to institutions which have or may seek federal assistance agreements or contracts.

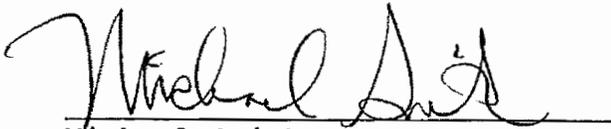
Not applicable.



T. Leverett Nelson  
Section Chief

Approval

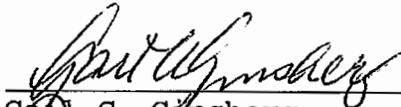
Disapproval



Michael Smith  
Branch Chief

Approval

Disapproval



Gail C. Ginsberg  
Regional Counsel  
Deputy Ethics Official

Approval

Disapproval

12/5/97



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

November 13, 1996

MEMORANDUM

TO: Gail C. Ginsberg,  
Regional Counsel  
Deputy Ethics Official

FROM: ~~FOIA EXEMPTION 6~~  
Assistant Regional Counsel

SUBJECT: Request Permission for Outside Employment  
Adjunct Professor - ~~FOIA EX 6~~ University - Spring  
Semester 1997.

This memorandum is to request your permission for me to teach at Roosevelt University during the spring semester of 1997. The following information is presented to assist you in your decision:

a. Employee's name, title and grade:

~~FOIA EXEMPTION 6~~, General Attorney, GS-14.

b. Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:

I would be the only instructor for a class entitled "Environmental Law and Policy." Depending on my schedule and the schedule of another professor I may also co-teach a second class entitled "Urban Environmental Problems." Both classes are core classes offered at ~~FOIA EX 6~~ University. I have taught both classes in the past.

The Environmental Law class is offered once per week on Wednesday evenings. The Urban Environmental Problems class is offered once per week on Thursday evenings. The semester is approximately fourteen weeks long and starts in mid-January. The total amount of compensation will be approximately \$ ~~FOIA EX 6~~

d. The estimated time to be devoted to the activity:

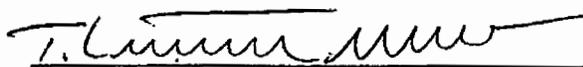
Approximately 4 - 8 hours per week. Classes are taught in the evening, after work, so no leave will be necessary and I will not use any government time or supplies for this class.

e. Whether the service will be performed entirely outside of normal duty hours;

Yes. Additionally, this activity will not involve the use of government property or personnel. I will comply with all the ethical standards applicable to government employees and to attorneys, including the standards regarding conflict of interest and client confidentiality.

f. The assistance agreements or contracts involved if the outside employment will include consulting or professional services to institutions which have or may seek federal assistance agreements or contracts.

Not applicable.



T. Leverett Nelson  
Section Chief

Approval

Disapproval



Michael Smith  
Branch Chief

Approval

Disapproval

 8/20/97

Bertram C. Frey  
Acting Regional Counsel  
Deputy Ethics Official

Approval

Disapproval

c. The name and business of the person or organization for which the work will be done:

FOIA EXP University.

d. The estimated time to be devoted to the activity:

Approximately 4 - 8 hours per week. Classes are taught in the evening, after work so no leave will be necessary and I will not use any government time or supplies for this class.

e. Whether the service will be performed entirely outside of normal duty hours:;

Yes. Additionally, this activity will not involve the use of government property or personnel. I will comply with all the ethical standards applicable to government employees and to attorneys, including the standards regarding conflict of interest and client confidentiality.

f. The assistance agreements or contracts involved if the outside employment will include consulting or professional services to institutions which have or may seek federal assistance agreements or contracts.

Not applicable.

Nancy-ellen Zusman  
Nancy-ellen Zusman  
Acting Section Chief

Approval

Disapproval

Michael Smith  
Michael Smith  
Branch Chief

Approval

Disapproval

Gail C. Ginsberg  
Gail C. Ginsberg  
Regional Counsel, Deputy Ethics Official

Approval

Disapproval

Atty for



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

October 18, 1996

TO: Gail C. Ginsberg,  
Regional Counsel  
Deputy Ethics Official

FROM: ~~FOIA~~ EXEMPTION 6  
Assistant Regional Counsel

SUBJECT: Request Permission for Pro Bono Representation

This memorandum is to request your permission for me to participate in the ~~FOIA EX~~ Bar Foundation's Pro Bono Adoption Assistance Representation program. The following information is presented to assist you in your decision:

a. Employee's name, title and grade:

~~FOIA EXEMPTION 6~~, General Attorney, GS-14.

b. Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:

The ~~FOIA EX~~ Bar Foundation's Adoption Assistance Program provides legal representation to persons wishing to adopt state wards, but who cannot afford the services of an attorney. The legal representation would consist of completing and presenting to the appropriate County court the necessary paper work to complete adoptions which have been screened and approved by DCFS. There is no compensation for this activity other than reimbursement of the filing fees and other related expenses which the volunteer must pay upfront to assist the prospective parent.

This activity will not involve the use of government property or personnel. I will comply with all the ethical standards applicable to government employees and to attorneys, including the standards regarding conflict of interest and client confidentiality.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGIONS 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

MEMORANDUM

DATE: June 19, 2006

REPLY TO THE ATTENTION OF:

SUBJECT: Request for Approval for Outside Employment/Activity Pursuant  
to 5CFR 6401.103

FROM: Milton Clark, Ph.D. *MC*  
Senior Health and Science Advisor, GS-14  
Superfund Division

THRU: Douglas Ballotti *DB*  
Deputy Director  
Superfund Division

TO: Norman Niedergang  
Deputy Regional Administrator  
Deputy Ethics Official, Region 5

Pursuant to 5 CFR 6401.103 (January 1, 2005 revision and other requirements noted below), I am requesting your formal approval for outside employment with the University of Illinois School of Public Health and state the following in support of this request.

Background

In 1978, I joined the University of Illinois School of Public Health faculty. From 1981 to 1988 I worked as a 50% permanent part-time employee with U.S. EPA, while maintaining a 50% appointment with the University of Illinois. In 1988, I became a full time employee with U.S. EPA and have maintained a non-salaried adjunct faculty position with the university where I still conduct teaching, research, and working with graduate students on a limited basis. My university work has been known to all U.S. EPA supervisors and as been noted on my yearly ethics statements. In the course of seeking approval for exploring outside consulting work (see second memo), it was advised that my university affiliation should be formally approved.

1. The nature of the outside activity, including a full description of the services to be performed: teaching
2. The type of services to be rendered and estimate of the number of clients or customers anticipated during the next six months: University of Illinois School of Public Health
3. The estimated amount of time to be devoted to the activity: 8-12 hours per university quarter (average of 2 hours per month)

c. The name and business of the person or organization for which the work will be done:

(FOIA EXC) Bar Foundation.

d. The estimated time to be devoted to the activity:

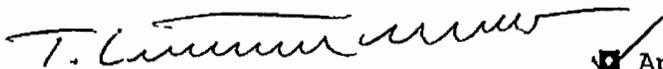
Approximately 10-16 per quarter. Since I can control the schedule of when my volunteer activities will occur I will be able to perform this volunteer activity by using either leave or my compressed day off.

e. Whether the service will be performed entirely outside of normal duty hours:

I will perform these duties only when I am on leave or on my compressed day off.

f. The assistance agreements or contracts involved if the outside employment will include consulting or professional services to institutions which have or may seek federal assistance agreements or contracts.

Not applicable.

  
\_\_\_\_\_  
T. Leverett Nelson  
Section Chief

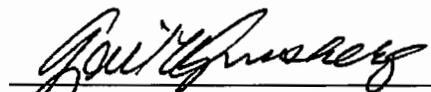
Approval

Disapproval

  
\_\_\_\_\_  
Michael Smith  
Branch Chief

Approval

Disapproval

  
\_\_\_\_\_  
Gail C. Ginsberg  
Regional Counsel, Deputy Ethics Official

Approval

Disapproval

10/22/96



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGIONS 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

MEMORANDUM

REPLY TO THE ATTENTION OF:

DATE: June 19, 2006

SUBJECT: Request for Approval for Outside Employment/Activity Pursuant  
to 5CFR 6401.103.

FROM: *FOIA Act* *Ph.D.*  
Senior Health and Science Advisor, GS-14  
Superfund Division

THRU: Douglas Ballotti *DB*  
Deputy Director  
Superfund Division

TO: Norman Niedergang  
Deputy Regional Administrator  
Deputy Ethics Official, Region 5

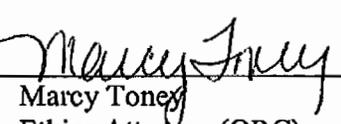
Pursuant to 5 CFR 6401.103 (January 1, 2005 revision and other requirements noted below), I am requesting your approval for outside employment and state the following in support of this request.

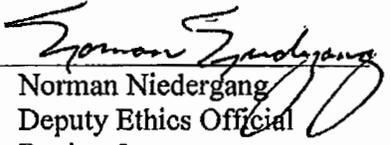
1. The nature of the outside activity, including a full description of the services to be performed: the work would consist of limited, self-employed, consulting services in the following areas including (a) risk evaluations for situations involving human exposure to toxic chemicals (b) providing advice in communicating complex science and risk matters and (c) assistance regarding sustainable environmental development.

Before any such work would be conducted, I shall determine compliance with and abide by the following specific regulations and guidelines: 5 CFR 6401.103; 5 CFR Part 2635; 18 U.S.C. 205 (prohibition in matters where the government has a direct and substantial interest); 18 USC 208 (a), 5 CFR. 2365.402, 5 CFR 2635.501/502 (prohibition in matters where family members have a financial interest or may be perceived as questioning employee impartiality); 5 CFR 2635.702 (a)(b)(c) (not using public office, title, or position in any enterprise for private gain); 5 CFR 2635.805 (prohibition on serving as an expert witness in matters where the U.S. government has a direct and substantial interest); 5 CFR 2635.807(a)(3), (b) (prohibition on receiving compensation for teaching, speaking, or writing if they relate to employees official duties; prohibition on using official title or position to promote any book, course, or similar program).

4. The amount of compensation expected: \$0
5. The basis for compensation (e.g., fee, per diem, per annum, etc): none
6. The service would be performed within normal duty hours. Time off would be taken to perform teaching if it is within the context of university related activity. If the speaking engagements are due to outside requests relating to my official EPA position or duties (as specified under 2635.807), then time off will not be taken.
7. The person to or for whom services would be performed from time to time may hold EPA assistance agreements or contracts. It should be noted that in no manner have I been involved in any past or current EPA or other federal assistance agreements, contracts or grants. In the future I shall not be involved in any federal grants, contracts, or other funding mechanisms which the university may prepare or implement, unless such participation is approved by ethics officials at U.S. EPA.
8. No official duty time or government property, resources or facilities not available to the general public will be used in connection with the outside employment, as specified under 5 CFR 6401.103 (b).
9. I have read, am familiar with, and will abide the restrictions outlined in 5 CFR Part 2635 and 5CFR 6401.102, other requirements noted under item #2 above, and 2006 guidelines concerning ethical restrictions regarding employment while at U.S. EPA or post-employment.

Approved by  Date: 6/20/06  
Douglas Ballotti  
Supervisor

Concurred by  Date: 6/23/06  
Marcy Toney  
Ethics Attorney (ORC)

Approved by  Date: 6/26/06  
Norman Niedergang  
Deputy Ethics Official  
Region 5

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and 6401.102, as required by 5 CFR 6401.103.

2. The type of services to be rendered and estimate of the number of clients or customers anticipated during the next six months: services rendered would be providing written analyses for those subject areas noted in item #1. The number of clients expected range from none to two.
3. The estimated amount of time to be devoted to the activity: 0-8 hours per week.
4. The amount of compensation expected: from \$0 to a maximum of \$FOIA exc
5. The basis for compensation (e.g., fee, per diem, per annum, etc): fee based.
6. The service would be performed entirely outside of normal duty hours.
7. The person to or for whom services would be provided does not hold any EPA assistance agreements or contracts.
8. No official duty time or government property, resources or facilities not available to the general public will be used in connection with the outside employment, as specified under 5 CFR 6401.103 (b).
9. I have read, am familiar with, and will abide the restrictions outlined in 5 CFR Part 2635 and 5CFR 6401.102, other requirements noted under item #2 above, and 2006 guidelines concerning ethical restrictions regarding employment while at U.S. EPA or post-employment.

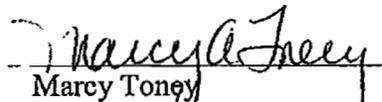
Approved by

  
 Douglas Ballotti  
 Supervisor

Date:

6/20/06

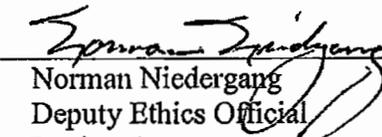
Concurred by

  
 Marcy Toney  
 Ethics Attorney (ORC)

Date:

6/23/06

Approved by

  
 Norman Niedergang  
 Deputy Ethics Official  
 Region 5

Date:

6/26/06

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and 6401.102, as required by 5 CFR 6401.103.

## MEMORANDUM

TO: ~~FOIA EXC~~  
Senior Health and Science Advisor  
Superfund Division

FROM: Marcy A. Toney *mat*  
Ethics Attorney

RE: Outside Employment/Consulting Business

DATE: June 23, 2006

You have requested advice with respect to your proposal to start a consulting business while you are employed here at EPA. Your business would involve: (1) conducting risk evaluations involving human exposure to toxic chemicals; (2) providing advice in communicating complex science and risk matters; and (3) providing assistance regarding sustainable environmental development. I have consulted with the ethics attorneys at Headquarters, and we have concluded that a request for approval of outside activity as you have outlined would likely be approved. We wish to point out, however, that your proposal does raise numerous issues that are covered by federal ethics laws and regulations, which are summarized as follows:

- An employee of the executive branch is prohibited from acting as an agent "for prosecuting any claim against the United States" or from acting as an agent before any department, agency or court in connection with "any covered matter in which the United States is a party or has a direct and substantial interest." The term "covered matter" includes any judicial or other proceeding, claim or controversy. This statute prohibits you from acting as an agent for any party in a matter in which the United States is a party or has a direct and substantial interest. 18 U.S.C. § 205.
- An employee of the executive branch is prohibited from participating personally and substantially in an official capacity in any "particular matter" in which he (or any person whose interests are imputed to him<sup>1</sup>) has a financial interest, if the particular matter will have a direct and predictable effect on that interest. 18 U.S.C. § 208(a) and 5 C.F.R. 2635.402.
- An employee should not participate in a particular matter involving specific

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<sup>1</sup> The financial interests of the following persons are imputed to the federal employee: the employee's spouse, the employee's minor child; the employee's general partner; an organization or entity which the employee serves as officer, director, trustee, general partner or employee; and a person with whom the employee is negotiating for or has an arrangement concerning prospective employment. 5 C.F.R. 2635.402(b)(2).

parties which he knows is likely to affect the financial interests of a member of his household, or in which he knows a person with whom he has a "covered relationship" is or represents a party, if he determines that a reasonable person with knowledge of the relevant facts would question his impartiality in the matter. 5 C.F.R. 2635.501 and 502. An employee has a "covered relationship" with a person with whom he has or seeks a business, contractual or other financial relationship, a member of his household, and a person for whom the employee has served as a consultant, among others. 5 C.F.R. 2635.502(b)(1).

- An employee cannot use his public office for his own private gain, for the endorsement of any product, service or enterprise, or for the private gain of friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity, and persons with whom the employee has or seeks employment or business relations. 5 C.F.R. 2635.702.
- An employee shall not use his Government position or title or any authority associated with his public office in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to himself or to friends, relatives or persons with whom the employee is affiliated in a nongovernmental capacity. 5 C.F.R. 2635.702(a).
- An employee shall not use his Government position or title or any authority associated with his public office in a manner that could reasonably be construed to imply that his agency or the Government sanctions or endorses his personal activities or those of another. 5 C.F.R. 2635.702(b).
- In general, an employee shall not use or permit the use of his Government position or title or any authority associated with his public office to endorse any product, service or enterprise. 5 C.F.R. 2635.702©.
- An employee shall use Government property and his official time only for authorized purposes. 5 C.F.R. 704 and 705.
- An employee shall not serve as an expert witness with or without compensation on behalf of a party (other than the United States) in any proceeding in which the U.S. has a "direct and substantial" interest unless specifically authorized by the agency. 5 C.F.R. 2635.805.

In addition, the prohibitions involved with teaching, speaking and writing may also be involved in the promotional aspects of your consulting business. Those prohibitions include:

- In general, an employee shall not receive compensation from any source other than the Government for teaching, speaking or writing that "relates to the

employee's official duties."<sup>2</sup> An employee may accept compensation for teaching a course at an elementary or secondary school or university (unless the school or university has interests that may be substantially affected by the performance or nonperformance of the employee's duties.) 5 C.F.R. 2635.807(a)(3).

- An employee who is engaged in teaching, speaking or writing shall not use or permit the use of his official title or position to identify him in connection with that activity or to promote any book, seminar, course, program or similar undertaking, except where the inclusion of title or position is one of several biographical details given to identify him and (in the case of publication in a scientific or professional journal) the title or position is accompanied by a disclaimer. 5 C.F.R. 2635.807(b).

In addition, I have provided you with the March 2006 memorandum "Seeking Employment and Post Employment Check List for EPA Employees" prepared by the Office of General Counsel, which sets forth the ethical restrictions involved in those activities.

As I have indicated above, your request for prior approval to begin a consulting business will likely be approved. In situations where the application of these regulations to a specific matter or client is not entirely clear, it would be prudent, in addition, that as your business develops you submit specific matters and/or clients for specific approval, as each new client and/or matter may pose a distinct conflict of interest or ethical analysis.

Please do not hesitate to contact me (6-3186) or Nola Hicks (6-7949) if you have any questions.

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<sup>2</sup> Teaching, speaking or writing "relates to the employee's official duties" if: (A) the activity is undertaken as part of the employee's official duties; (B) the circumstances indicate that the invitation to engage in the activity was extended to the employee primarily because of his official position rather than his expertise on the particular subject matter; (C) the invitation to engage in the activity was extended to the employee by a person who has interests that may be affected substantially by performance or nonperformance of the employee's official duties; (D) the information conveyed through the activity draws substantially on ideas or official data that are nonpublic information; or (E) the subject of the activity deals in significant part with any matter to which the employee is presently assigned (or had been assigned during the previous year) or any ongoing or announced policy, program or operation of the agency. 5 C.F.R. 2635.807(a)(2)(I). However, this definition does not preclude an employee from receiving compensation for teaching, speaking or writing on a subject within the employee's discipline or inherent area of expertise *based on his educational background or experience* even though the teaching, speaking or writing deals generally with a subject within the agency's areas of responsibility. 5 C.F.R. 2635.807 Note.

June 5, 2012

MEMORANDUM

SUBJECT: Request for Approval for Outside *Employment/Activity* pursuant to 5 CFR 6401.103.

FROM: *FOIA exemption 6*  
Environmental Scientist, GS-14

THRU: Michael Compher  
*MC* Section Chief  
Indoor and Voluntary Programs

Mary Pat Tyson  
Branch Chief *Mary P. Tyson*  
Air Toxics and Assessment

TO: Bharat Mathur  
Deputy Ethics Official  
Region 5

Pursuant to 5 CFR 6401.103, I hereby request approval for outside employment and state the following in support of this request.

1. The nature of the outside activity, including a full description of the services to be performed:  
I will perform legal services, developing a personnel contract form for future hires.
2. The name and business of the person or organization for which the work will be done:  
The client is *FOIA 616*, a small consulting firm.
3. The estimated amount of time to be devoted to the activity:  
I estimate that the amount of time devoted to the activity over the next 6 months will be 30 hours.
4. The amount of compensation expected:  
I expect compensation on the order of \$ *FOIA 616*
5. The basis for compensation (e.g., fee, per diem, per annum, etc.): fee.
6. The service **will** be performed entirely outside of normal duty hours.
7. The person to or for whom services would be provided **does not** hold any EPA assistance agreements or contracts.
8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

9. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.

Approved by Michelle S. [Signature]  
Supervisor

Date: 6/5/12

Approved by W. P. Tyson  
Branch Chief (If you are in a Branch).

Date: 6/5/12

Concurred by [Signature]  
Ethics Attorney (ORG)

Date: 6/12/12 incorporating attached emails

Approved by [Signature]  
Bharat Mathur  
Deputy Ethics Official  
Region 5

Date: 6-14-12

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and 6401.102, as required by 5 CFR 6401.103.

August 27, 2010

MEMORANDUM

SUBJECT: Request for Approval for Outside *Employment/Activity* pursuant to 5 CFR 6401.103.

FROM: *FOIA EXEMPTION*  
Environmental Scientist, GS-14

THRU: *DAK*  
Debra A. Klassman  
Chief, MMB2S2

TO: Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

Pursuant to 5 CFR 6401.103, I hereby request approval for outside employment and state the following in support of this request.

1. The nature of the outside activity, including a full description of the services to be performed: I am requesting permission to perform pro bono assistance for the Foreclosure Mediation Program through the *FOIA EX* Volunteer Legal Service *FOIA EX*
2. The name and business of the person or organization for which the work will be done: CVLS will refer the clients.
3. The estimated amount of time to be devoted to the activity: 16 hours total, over two months.
4. The amount of compensation expected: none
5. The basis for compensation (e.g., fee, per diem, per annum, etc.):N/A
6. The service will be performed entirely outside of normal duty hours.
7. The person to or for whom services would be provided does not hold any EPA assistance agreements or contracts.
8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.
9. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.

(312) 692-2117 (fax)

Approved by Michael S. Cole  
Supervisor

Date: 1/20/11

Approved by Walter P. Tyson  
Branch Chief

Date: 1/20/11

Concurred by Miccy Foxey  
Ethics Attorney (ORC)

Date: Jan. 24, 2011

Approved by Bharat Mathur  
Bharat Mathur  
Deputy Ethics Official  
Deputy Regional Administrator, Region 5

Date: Jan 28, 2011

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR Part 2635 and 6401.102, as required by 5 CFR 6401.103.

9. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.

January 18, 2010

MEMORANDUM

SUBJECT: Request for Approval for Outside *Employment/Activity* pursuant to 5 CFR 6401.103.

FROM: *FOIA EXEMPTION 6*  
Environmental Scientist, GS-14

THRU: Michael Compher  
Section Chief  
Indoor and Voluntary Programs

Mary Pat Tyson *Mary P. Tyson*  
Branch Chief  
Air Toxics and Assessment

TO: Bharat Mathur  
Deputy Ethics Official  
Deputy Regional Administrator, Region 5

Pursuant to 5 CFR 6401.103, I hereby request approval for outside employment and state the following in support of this request.

1. The nature of the outside activity, including a full description of the services to be performed: I am requesting permission to perform pro bono assistance for the Foreclosure Mediation Program through the *FOIA EXEMPTION 6* cases would consist of representing individuals in court ordered mortgage mediations with lenders.
2. The name and business of the person or organization for which the work will be done: CVLS will refer the clients.
3. The estimated amount of time to be devoted to the activity: 16 hours total, over two months.
4. The amount of compensation expected: none
5. The basis for compensation (e.g., fee, per diem, per annum, etc.):N/A
6. The service will be performed entirely outside of normal duty hours.
7. The person to or for whom services would be provided does not hold any EPA assistance agreements or contracts.
8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

Approved by Debra A. Klagsman Date: 8-27-10  
Supervisor

Approved by [Signature] Date: 8/30/10  
Branch Chief

Concurred by Marya Incey Date: 8/30/10 \*  
Ethics Attorney (ORC)

Approved by Robert A. Kaplan Date: 8/31/10  
Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR Part 2635 and 6401.102, as required by 5 CFR 6401.103.

\* FOIA EXG. 6 has been provided Ethics info. re positions work..

Date: March 18, 2002

Subject: Request for prior approval for outside employment

From: FOIA EXEMPTION 6 FOIA 016

To: Wendy Melgin  
Deputy Branch Chief

Attached is the write up I developed to obtain prior approval for outside employment. I utilized the information ORC (also attached) sent me to develop it. This is the second book in the three book series on watershed management that I had I started in 2000 (attached are copies of the memorandum). I am not writing the textbooks (guides) as an EPA employee but as a certified soil erosion and sediment control specialist and will be cited as such. This book will deal with the management of watershed projects developed following the management process outlined in volume 1 and not focus on EPA programs except in an incidental manner. I will produce a technical manuscript (I do not plan on addressing policy or regulation except in an incidental manner). I will not utilize any government property, resources or facilities not available to the general public in connection with this outside employment. I will complete this effort completely outside of my normal duty hours.

Attachments

RECEIVED

MAY 31 2002

REGION 3  
ADMINISTRATIVE

OFFICE

MH  
May 7, 2002

Prior Approval for outside employment

- 1) FOIA EXC 4  
Environmental Scientist - National Nonpoint Source Expert
  
- 2) Produce a technical manuscript on aspects of watershed management for EXC Press (this is the second of three books included the initial agreement with the FOIA EXC ing FORA EXC, INC, approval was granted for the first book for FOIA EXC Publishing which has been bought out by EXC). The textbook will focus on management of watershed projects following the management process outlined in the Guide and convey scientific/technical knowledge gleaned from the watershed community as a whole. The textbook will contain only an incidental discussion of any EPA program or regulation. Only information available to the public will be utilized in developing the textbook. The textbook will cite me as a certified erosion and sediment control specialist through the Soil and Water Conservation Society of America, not as an EPA employee. Compensation is based on royalties collected over a two to three year period, it is expected to be between \$ EXC and \$ EXC total.
  
- 3) FOIA EXEMPTION 6
  
- 4) 180 hours over a 12 to 15 month period
  
- 5) Work will be performed entirely outside of normal duty hours.
  
- 6) No official duty time or government property, resources or facilities not available to the general public will be used in connection with the outside employment.
  
- 7) Compensation is royalty based.
  
- 8) I have read, am familiar with, and will abide by the restrictions described in 5CFR part 2535 and 6401.102.
  
- 9) None

FOIA EXEMPTION 6  
Employee \_\_\_\_\_ 3/18/02

Wendy L. [Signature]  
Immediate Supervisor \_\_\_\_\_ 4/30/02

David A. [Signature]  
Deputy Ethics Official \_\_\_\_\_ 5/15/02

RECEIVED

MAY 01 2002

U.S. EPA REGION 7  
REGIONAL ADMINISTRATION

Date: June 17, 2000

Subject: Request for prior approval for outside employment

From: FOIA exemption 6 FOIA 66

To: Jo Lynn Traub  
Director, Water Division

Attached is the write up I developed to obtain prior approval for outside employment. I utilized the information ORC (also attached) sent me to develop it. I am not writing the textbook (guide) as an EPA employee but as a certified soil erosion and sediment control specialist and will be cited as such. The book will deal with watershed management in general and not focus on EPA's programs or approaches except in an incidental manner. I will produce a technical manuscript (I do not plan on addressing policy or regulation except in an incidental manner). I will not utilize any government property, resources or facilities not available to the general public in connection with this outside employment. I will complete this effort completely outside of my normal duty hours.

Attachments

Prior Approval for outside employment

- 1) FOIA EXC 6  
Environmental Scientist - National Nonpoint Source Expert  
GS14
- 2) Produce a technical manuscript on watershed management for the FOIA EXC 6 Company, INC. The textbook will focus watershed management in general and convey scientific/technical knowledge gleaned from the watershed community as a whole. The textbook will contain only an incidental discussion of any EPA program or regulation. Only information available to the public will be utilized in developing the textbook. The textbook will cite me as a certified erosion and sediment control specialist through the Soil and Water Conservation Society of America, not as an EPA employee. ~~I will be writing the~~ Compensation is based on royalties collected over a two to three year period, it is expected to be between \$ EXC and \$ EXC total.
- 3) FOIA EXEMPTION 6; Environmental Science & Technology
- 4) 150 hours over a 4 to 5 month period
- 5) Work will be performed entirely outside of normal duty hours.
- 6) No official duty time or government property, resources or facilities not available to the general public will be used in connection with the outside employment.
- 7) Compensation is royalty based.
- 8) I have read, am familiar with, and will abide by the restrictions described in 5CFR part 2535 and 6401.102.
- 9) None

Thomas E. Daver 06/17/00  
Employee

Joseph R. Paul 6/21/00  
Immediate Supervisor

David A. Ullrich 7/7/00  
Deputy Ethics Official

NH 7/3/00



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

MEMORANDUM

SUBJECT: Request for Approval for Outside Employment Pursuant to 5 CFR 6401.103.

FROM: FOIA EXL  
Attorney Advisor GS 14

THRU: Marcy Toney  
Section Chief

TO: Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

Pursuant to 5 CFR 6401.103, I hereby request approval for outside employment and state the following in support of this request.

1. The nature of the outside activity, including a full description of the services to be performed:

Serve as counsel in real estate closings and transactions representing buyers and sellers as a sole practitioner.

2. The name and business of the person or organization for which the work will be done {in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months}:

Approval is requested to do real estate closings as a sole practitioner.

Number of clients is unknown at this time. Clients are generally referred by Real Estate Brokers and Agents.

3. The estimated amount of time to be devoted to the activity:

0- 10 hrs/month

4. The amount of compensation expected:

Market Rate/ \$ EXL EXL closing

5. The basis for compensation:

Compensation is on a per closing basis as that is the general practice.

6. The service will be performed entirely outside of normal duty hours.

During days off, evenings and while on annual leave etc.

7. The person to or for whom services would be provided will not hold any EPA assistance agreements or contracts.

Yes

8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

Yes

9. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.

Approved by Marcy Joney Date: July 26, 2012  
Supervisor

Approved by James J. Zup Date: 7.27.12  
Branch Chief

Approved by David O'Leary Date: 8/4/12  
Ethics Attorney

Approved by Robert A. Kaplan Date: 8/9/12  
Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and 6401.102, as required by 5 CFR 6401.103.



private practice of law for compensation  
Ann Coyle to: FOIA & W, Marcy Toney

08/07/2012 08:44 AM

FOIA & W

I'm reviewing your request for approval for an outside activity. We (me now, Marcy previously) share the information below with anyone who is requesting such an approval for the private practice of law for compensation.

You have requested approval to participate in an outside activity, specifically the practice of law for compensation, including representing buyers and sellers in real estate closings and other transactions. I will be recommending approval of your request for outside employment under 5 C.F.R. § 6401.103 and am advising you of certain statutes and regulations that may be impacted by this outside legal work:

1. 18 U.S.C. §§ 203 and 205 generally prohibit a federal employee from representing anyone in connection with a claim against the United States or representing anyone before any department, agency or court in connection with any matter in which the U.S. is a party or has a direct and substantial interest. Please note that this is a criminal statute.
2. You should be aware of the "Limited Personal Use Policy", available at: <http://intranet.epa.gov/oei/intra/limitpolicy/qic/ciopolicy/2101-0.pdf>, which explains in what circumstances you can use government resources (e.g., phone, computer, etc.) for non-government activity. You cannot use government equipment for the private practice of law. See also, 5 C.F.R. § 2635.704 regarding the use of government property.
3. You cannot engage in the private practice of law on official duty time. See 5 C.F.R. § 2635.705 regarding the use of official time.
4. 5 C.F.R. § 2635.502 prohibits you from participating in a particular matter as a government employee if you know that a person with whom you have a "covered relationship" is or represents a party to such matter. You would have a "covered relationship" with the consulting company for which you are drafting the personnel contract.
5. 5 C.F.R. § 2635.702 prohibits you from using your government position or title "or any authority associated with [your] public office in a matter that could reasonably be construed to imply that [your] agency or the government sanctions or endorses [your] personal activities or those of another."
6. 5 C.F.R. § 2635.703 prohibits you from improperly using information that you gained by reason of your federal employment and that you know or reasonably should know has not been made available to the general public (e.g., information that routinely is exempt under FOIA or has been designated as confidential by EPA) to further your own interest or that of another, whether through advice or recommendation or by knowing unauthorized disclosure.
7. 5 C.F.R. § 2635.802 prohibits you from engaging in an outside activity that would require your disqualification from matters "so central or critical to the performance of [your] official duties that your ability to perform [your] duties would be materially impaired."
8. 5 C.F.R. § 2635.101(b)(14) requires that you avoid any actions that would create the appearance that you are violating the law or any ethical standards.

Please feel free to contact me if you have any questions.

--Ann

Ann L. Coyle

Regional Judicial Officer  
(312) 886-2248  
(312) 692-2117 (fax)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

RAM  
Feb  
MAR 08 2008

MEMORANDUM

SUBJECT: Request for Approval of Outside Employment Pursuant to 5 CFR 6401.103  
FOIA EXEMPTIONS FOIA EXC  
FROM: Deputy Regional Counsel, GM-15  
TO: Robert Kaplan  
Regional Counsel

Pursuant to 5 CFR 6401.103, I hereby request approval to write an article for publication in the FOIA EXEMPTIONS FOIA EXC a comprehensive twenty-one volume encyclopedia that will serve as a definitive resource for thousands of students. My topic is industrial pollution, which includes air pollution from mobile sources such as automobiles, truck and airplanes. I am to submit a roughly 750 word article on this topic. This is in addition to an article on international environmental law and agencies for the same publication, for which I received approval from you the week of January 28, 2008. As a practical matter, I am drawing upon and updating a portion of much longer article I wrote in 2002 on international environmental law for FOIA EXC; FOIA EXEMPTIONS FOIA EXEMPTIONS il Encyclopedia, for which I also received approval.

I estimate I will spend 8 hours on this activity.

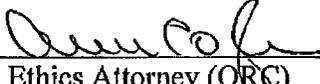
This activity will be performed outside of normal duty hours.

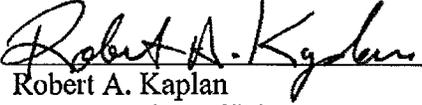
No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment. There has been some incidental use of Lotus Notes Email and MS Word (and may be some more in the future) in communicating with an editor for FOIA EXC for example, about my willingness to write the article, and restrictions I have as a government employee author, for instance, in not having my name or title used to promote the publication.

I will receive no compensation for this article.

To my knowledge, the ~~Public~~ State Bar Association is not a party to any EPA assistance agreements or contracts.

I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

Concurred by  *subject to conditions in the attached memo*  
Ethics Attorney (ORC) Date: Sept 11, 2015

Approved by  Date: 9/12/12  
Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 C.F.R. § Parts 2635 and 6401.102, as required by 5 C.F.R. § 6401.103.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

MEMORANDUM

**SUBJECT:** Request for Approval for Outside *Employment/Activity* pursuant to 5 C.F.R. § 6401.102

FOIA EXEMPTIONS FOR FILE

**FROM:** Deputy Regional Counsel, GM-15

**TO:** Robert A. Kaplan  
Regional Counsel/Deputy Ethics Official

Pursuant to 5 C.F.R. § 6401.103, I request approval for outside employment and state the following in support of this request:

I have been approached by a friend to perform some limited estate planning legal services. The self-employment legal services would be performed solely outside normal duty hours and should entail no more than 15 hours of work over the next three months. My compensation, which would be on a fee for services basis, would be less than \$ ~~EXE~~ The services would not involve a contested matter. The friend and his significant other have no connection with U.S. EPA and do not receive any EPA assistance or contracts. At this time, I do not anticipate any other, self-employment clients during the next six months.

No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

Concurred by *Ann Leafe*  
Ethics Attorney

Date: 9/26/12

Approved by *Robert A. Kaplan*  
Supervisor/Deputy Ethics Official

Date: 9/28/12

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 C.F.R. § Parts 2635 and 6401.102, as required by 5 C.F.R. § 6401.103.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION 5  
 77 WEST JACKSON BOULEVARD  
 CHICAGO, IL 60604-3590

September 11, 2012

REPLY TO THE ATTENTION OF:

**MEMORANDUM**

RE: Conditions on Approval of FOIA EX6's September 5, 2012, Request for Outside Activity Approval

FROM: Ann Coyle ALC  
 Assistant Deputy Ethics Official

TO: FOIA EX6's Ethics File

This memorandum imposes certain conditions on my approval of FOIA EX6's request for outside activity, dated September 5, 2012. In that request, FOIA EX6 seeks approval to update three articles for publication in the 2013 edition of the first volume of *Environmental Law for Non-Lawyers*, published by the Environmental Law Section Council of the FOIA EX6 State Bar Association. EX6 EX6 intends to do this writing for publication in his personal capacity and will not be compensated.

As noted in his request,

No official duty time or Government property, resource, or facilities not available to the general public will be used in connection with the outside employment. There has been some incidental use of Lotus Notes Email and MS Word (and may be some more in the future) in communicating with the editor of the publication

My approval of the request is conditioned on FOIA EX6 not using his EPA Lotus Notes email account to communicate with the EX6 about these articles. EPA's Policy on Limited Personal Use of Government Office Equipment (Classification No. CIO 2101.0) (the Policy) authorizes limited personal use of government equipment under certain specified conditions. The Policy states that Agency employees must ensure that their personal use does not give the appearance that they are acting in an official capacity and that Agency employees must not give the appearance that EPA endorses or sanctions their personal activities. Policy, at 4-5; see also 40 C.F.R. § 2635.702(b) and (c). Communicating with the EX6 about these articles from his EPA email account will, at a minimum, create the appearance that FOIA EX6 is acting in his official capacity and may create the appearance that the Agency is endorsing or sanctioning his personal activity. For the same reasons, FOIA EX6 is encouraged to communicate with the ISBA regarding these articles from a personal telephone, such as a cell phone.

The Policy authorizes limited personal use of government equipment only during non-work time.

I have provided ~~him~~ with copies of the Agency's Policy on Limited Personal Use of Government Office Equipment (Classification No. CIO 2101.0) and 10 x 1, Letter to a Designated Agency Ethics Official dated March 19, 2010, Regarding Uncompensated Teaching, Writing, and Speaking.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

September 5, 2012

REPLY TO THE ATTENTION OF:

**MEMORANDUM**

**SUBJECT:** Request for Approval for Outside *Employment/Activity* pursuant to 5 C.F.R.

§ 6401.103

**FROM:** FOIA  
EXEMPTION 6 FOIA EX 6  
Deputy Regional Counsel, GM-15

**TO:** Robert A. Kaplan  
Regional Counsel/Deputy Ethics Official

Pursuant to 5 C.F.R. § 6401.103, I request approval to update three articles for publication that will be part of the 2013 edition of the first volume of *Environmental Law for Non-Lawyers*, a publication of the Environmental Law Section Council, ~~Fed~~ State Bar Association. The previous articles were part of the 2006 edition (volume I). My topics are a "Thumbnail Sketch of Environmental Law," "Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)," and "Federal Enforcement." Each updated article will be 8 to 14 pages in length. The first article provides a broader context of international and national environmental law as well as ~~Fed~~ environmental law. The second article overviews CERCLA and contains a synopsis of the CERCLA enforcement process. The third article gives an overview of federal environmental enforcement programs.

This is my third period of service on the Section Council. I have served two terms as Chair (2008-2009 and 1999-2000). The expectation for updating the publication is that each Section Council member will write or update at least one article.

I estimate I will spend about 30 hours (10 hours per article) from September through December 2012 on this activity.

This activity will be performed outside of normal duty hours.

No official duty time or Government property, resource, or facilities not available to the general public will be used in connection with the outside employment. There has been some incidental use of Lotus Notes Email and MS Word (and may be some more in the future) in communicating with the editor of the publication, for example, about my willingness to update the articles and the nature of the updates, and the restrictions I have as a government employee author, for instance, in not having my name or title used to promote the publication.

I will receive no compensation for the articles.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

JAN 25 2008

MEMORANDUM

SUBJECT: Request for Approval of Outside Employment Pursuant to  
5 CFR 6401.103

FROM: <sup>FOIA</sup> FOIA EXEMPTIONS EXEMPTIONS  
Deputy Regional Counsel, GM-15

TO: Robert Kaplan  
Regional Counsel

Pursuant to 5 CFR 6401.103, I hereby request approval to write an article for publication in the FOIA EXEMPTIONS encyclopedia EXL a comprehensive twenty-one volume encyclopedia that will serve as a definitive resource for thousands of students. My topic is international environmental law and agencies. I am to submit a roughly 900 word article on this topic. As a practical matter, I am revising and updating a much longer article I wrote in 2002 on international environmental law for EXL FOIA EXEMPTIONS FOIA EXEMPTIONS Encyclopedia, for which I received approval.

I estimate I will spend 8 hours on this activity.

This activity will be performed outside of normal duty hours.

No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment. There has been some incidental use of Lotus Notes Email and MS Word (and may be some more in the future) in communicating with an editor for FOIA EXL for example, about my willingness to write the article, and restrictions I have as a government employee author, for instance, in not having my name or title used to promote the publication.

I will receive no compensation for this article.

I have read and am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.

It is possible that an individual researcher at ~~FCIA Exb~~ is receiving a grant or contract from EPA; however, I am unaware of it and have no part in the award or administration of it.

Approved by: Robert A. Kaplan  
Robert Kaplan  
Deputy Ethics Official

Date: 2-7-08



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

February 2, 2007

MEMORANDUM

SUBJECT: Outside Employment  
FROM: FOIA EXEMPTION FOIA EXC 6  
Acting Regional Counsel, GM-15  
THRU: Catherine McCabe  
Deputy Assistant Administrator  
Office of Enforcement and Compliance Assurance  
TO: Patricia Hirsch  
Acting Principal Deputy General Counsel

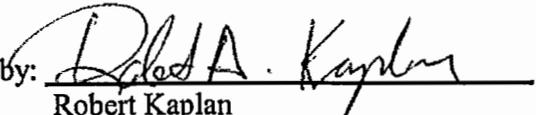
I hereby submit a request for administrative approval of outside employment pursuant to 5 C.F.R. Section 6401.103. In 1995, I first sought and received from then Regional Counsel, Gail Ginsberg, approval to advise two family estate planning trusts, FOIA EXC 6 Trust, dated and effective April 30, 1994, and FOIA EXEMPTION EXC 6 Trust, also dated and effective April 30, 1994, on business, legal, tax, investment and accounting matters. In 2000, I received a renewed approval for outside employment from Gail Ginsberg, which in part concerned these trusts. I am again renewing a request for administrative approval for outside employment pursuant to 5 C.F.R. Section 6401.103 to advise the two trusts on business, legal, investment, tax and accounting matters. I do not serve as the trustee of either trust. My brother, FOIA EXC 6 serves as the trustee of the FOIA EXC 6 Trust for both the By-Pass and Marital Trusts. My mother, FOIA EXC 6 is living (at 92 years of age) and currently serves as the trustee of her revocable, living trust.

The FOIA EXEMPTION EXC 6 Trust:

On September EXC 6, the date of my father's death, The FOIA EXEMPTION EXC 6 Trust became an irrevocable trust. Prior to that date it had been a revocable, living trust, with my father serving as the grantor and sole trustee. While my mother is living, I have no

I have read and am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.

It is possible that an individual researcher at PER EXG is receiving a grant or contract from EPA; however, I am unaware of it and have no part in the award or administration of it.

Approved by:   
Robert Kaplan  
Deputy Ethics Official

Date: 1/29/08

present ownership or beneficial interest under the trust, except that the trustee, in his sole discretion, could distribute portions of income and principal from one fund in the trust under a limited power of appointment for my health care, support, maintenance and education. Given my present employment status, good health, and level of educational attainment, it is highly unlikely that such discretion would be presently exercised in my favor. In addition, the trustee must give first consideration to my mother's needs for support, maintenance, health care and current income.

Since 1995, I have advised and provided services to FOIA EXEMPTION 6 Trust on certain matters as set forth above. I do not represent or anticipate representing my deceased father's trust in any contested matter. All services rendered or anticipated to be rendered are related to tax, contract, investment, accounting or legal matters. Shortly after my father's death, FOIA EXEMPTION 6 Trust, accordingly to its terms, was split into two trust accounts called FOIA EXEMPTION 6 Trust, By-Pass Trust and The FOIA EXEMPTION 6 Trust, Marital Trust. All services for the trusts have been performed or will be performed outside of normal duty hours. I spend about 50 hours per year performing the services, and in the future I anticipate performing approximately the same number of hours of work per year. Thus far, I have received no compensation for my services and anticipate none in the future. Neither FOIA EXEMPTION 6 Trust nor its successors, nor its trustee or successor trustee are a party to, nor have they ever sought any federal assistance, grant, agreement or contract. This request to approve outside employment covers services to both FOIA EXEMPTION 6 Trust, By-Pass Trust and FOIA EXEMPTION 6 Family Trust, Marital Trust.

**The FOIA EXEMPTION 6 Trust:**

The FOIA EXEMPTION 6 Trust is a revocable, living trust, with my mother as grantor and sole trustee. I have also advised my mother's trust on tax, contract, investment, accounting and legal matters. All services related to her trust have been and will be performed outside regular duty hours. I do not represent or anticipate representing my mother's trust in any contested matter. In the future, I anticipate no more than 50 hours of work per year. As with my father's trust, I so far have received no compensation for my services, and in the future expect to receive none. Neither EX 6 FOIA EXEMPTION 6 Trust nor its trustee is a party to nor has it/she ever sought any federal assistance, grant, agreement or contract. This request for approval of outside employment also covers services to FOIA EXEMPTION 6 Trust.

No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. part 2635 and 6401.102. If you have any questions, I will be happy to discuss them with you.

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

Patricia Hirsch  
Designated Agency Ethics Official



U. S. ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF ENFORCEMENT & COMPLIANCE  
ASSURANCE  
1200 Pennsylvania Avenue, NW  
Washington DC 20044

# FACSIMILE COVER SHEET

DATE: 10/3/06  
TO: FOIA exemption 6  
FAX NUMBER: 312-886-1500 <sup>07407</sup>  
PHONE NUMBER: FOIA EXEMPTION 6  
# OF PAGES 3 Pages (INCLUDING COVER SHEET)

FROM: Catherine McCabe, Principal Deputy Assistant Administrator

PHONE NUMBER: 202-564-2440  
FAX NUMBER: 202-501-3842

COMMENTS: Outside employment

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

September 15, 2006

MEMORANDUM

SUBJECT: Request for Approval of Outside Employment Pursuant to  
5.CER 6401.103

FROM: <sup>FOIA</sup> ~~EXEMPTIONS~~ <sup>FOIA EXEMPTION</sup> 6  
Acting Region Counsel, GM-15

THRU: Catherine McCabe  
Principal Deputy Assistant Administrator

TO: Patricia Hirsch  
Acting Principal Deputy General Counsel

Pursuant to 5 CFR 6401.103, I hereby request approval to teach a 3-hour session on November 6, 2006, covering environmental law at the University of ~~FOIA EX~~ Undergraduate College, an institution of higher education, as defined at 20 USC 1141(a). The session will be devoted to RCRA, CERCLA and TSCA.

No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

I will be paid \$ ~~ex~~ for the session. Prep time for this session will be 4 hours. I expended approximately 10 hours in preparation of materials two years ago when materials were originally created for another session that I was approved to present.

I have read and am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.

It is possible that an individual researcher at the University of ~~FOIA EX~~ is receiving a grant or contract from EPA; however, I am unaware of it and have no part in the award or administration of it. My compensation is not funded by an EPA assistance agreement or contract.

Approved by: \_\_\_\_\_  
Patricia Hirsch  
Designated Agency Ethics Official

Date: \_\_\_\_\_

September 15, 2006

MEMORANDUM

SUBJECT: Request for Approval of Outside Employment Pursuant to 5 CFR 6401.103

FROM: FOIA exemption 6 <sup>FOIA</sup> exemption  
Acting Region Counsel, GM-15

THRU: Catherine McCabe *Catherine McCabe*  
Principal Deputy Assistant Administrator

TO: Patricia Hirsch  
Acting Principal Deputy General Counsel

Pursuant to 5 CFR 6401.103, I hereby request approval to teach a 3-hour session on November 6, 2006, covering environmental law at the University of FOIA Ex 6 Undergraduate College, an institution of higher education, as defined at 20 USC 1141(a). The session will be devoted to RCRA, CERCLA and TSCA.

No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

I will be paid \$ Ex 6 for the session. Prep time for this session will be 4 hours. I expended approximately 10 hours in preparation of materials two years ago when materials were originally created for another session that I was approved to present.

I have read and am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.

It is possible that an individual researcher at the University of FOIA Ex 6 is receiving a grant or contract from EPA; however, I am unaware of it and have no part in the award or administration of it. My compensation is not funded by an EPA assistance agreement or contract.

Approved by: \_\_\_\_\_  
Patricia Hirsch  
Designated Agency Ethics Official

Date: \_\_\_\_\_



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGIONS  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590.

REPLY TO THE ATTENTION OF:

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF REGIONAL COUNSEL  
REGION 5

FACSIMILE TRANSMITTAL FORM

Date: 9-21-06

Fax Recipient: CATHERINE McCABE

Dept./Agency: \_\_\_\_\_

Fax Number: 202-501-3842

Fax Sender: FOIA EX6 FOIA EXEMPTION 6

Dept./Agency: \_\_\_\_\_

Telephone: FOIA EXEMPTION 6

Fax Number: FOIA EXEMPTION 6 ?

Subject: OUTSIDE EMPLOYMENT

Number of Pages: 2/W COVER PAGE

Comments: \_\_\_\_\_

10-04-2004 - 04:00pm

From=USEPA Region 5 ORC

312 886 0747

T-308 P.002/002 F-644



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

OCT 04 2004

REPLY TO THE ATTENTION OF:

**MEMORANDUM**

Subject: Request for Approval of Outside Employment Pursuant to 5 CFR 6401.103  
FOIA EXEMPTIONS  
From: Acting Regional Counsel, GM-15  
FOIA EXC  
Thru: Phyllis P. Harris  
Principal Deputy Assistant Administrator  
To: Anna Wolgast  
Principal Deputy General Counsel

Pursuant to 5 CFR 6401.103, I hereby request approval to teach a 3 hour session covering environmental law at the University of <sup>FOIA EXC</sup> Undergraduate College, an institution of higher education, as defined at 20 USC 1141(a). The session will be devoted to RCRA, CERCLA and TSCA.

No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

I will be paid \$ <sup>EXC</sup> for the session.

I have read and am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.

It is possible that an individual researcher at the University of <sup>FOIA EXC</sup> is receiving a grant or contract from EPA. However, I am unaware of it, and have no part in the award or administration of it. My compensation is not funded by an EPA assistance agreement or contract.

Approved by: Anna Wolgast  
Anna Wolgast  
Designated Agency Ethics Official

Date: 10/8/04



10/14/95

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

OCI

REPLY TO THE ATTENTION OF

MEMORANDUM

SUBJECT: Outside Employment  
FROM: FOIA EXEMPTION b EX6  
Deputy Regional Counsel, GM-15  
TO: Gail C. Ginsberg  
Regional Counsel

I hereby submit a request for administrative approval of outside employment pursuant to 40 C.F.R. Section 3.508, Appendix A. This request is in addition to my request dated January 9, 1985, which was approved by then Regional Counsel Robert B. Schaeffer on January 10, 1985. That prior approved request remains current and effective, except that FOIA EXEMPTION b is no longer my sole private client (see below).

I have begun to advise two estate planning trusts, FOIA EX6 FOIA EX6 Trust dated and effective April 30, 1994, and The FOIA EXEMPTION b EX6 Trust, also dated and effective April 30, 1995, on business, legal, investment and accounting matters.

The FOIA EXEMPTION b Trust:

On September FOIA EX6, the date of my father's death, FOIA EX6 FOIA EX6 trust became an irrevocable trust. Prior to that date it had been a revocable, living trust, with my father serving as the grantor and sole trustee. He controlled his trust entirely and had the power to revoke it at any time prior to his death. I have declined to assume the powers of a successor trustee under the terms of that trust. While my mother is living, I have no present ownership or beneficial interest under the trust, except that the trustees, in their sole discretion, could distribute portions of income and principal from one fund in the trust under a limited power of appointment for my health care, support, maintenance and education. Given my present employment status, good health, and level of educational attainment, it is highly unlikely that such discretion would be presently exercised in my favor. In addition, the trustees must give first consideration to my mother's needs for support, maintenance, and health care and current income.

Nonetheless, I have begun to advise and provide services to EX6 FOIA EXEMPTION b Trust on certain matters as set forth above. I do not represent or anticipate representing my deceased

father's trust in any contested matter. All services rendered or anticipated to be rendered are related to tax, contract, investment, accounting or legal matters. At some point in the near future, FOIA EXEMPTION 6 Trust may, accordingly to its terms, be split into two trusts called FOIA EXEMPTION 6

EX6 By-Pass Trust and FOIA EXEMPTION 6 Marital Trust. Both successor trusts would have the same trustee(s) and trustee powers. All services related to the FOIA EXEMPTION 6 Trust or its successors are or will be performed outside of normal duty hours. I anticipate no more than 120 hours of work during the coming year, and thereafter no more than 60 hours of work per year. Thus far, I have received no compensation for my services, but should this request be approved, I might anticipate compensation, if any, of no more than \$ EX6 per annum. Neither FOIA EXEMPTION 6 Trust nor its successors, nor its trustee(s) or successor trustee(s) are a party to, nor have they ever sought any federal assistance, grant, agreement or contract. This request to approve outside employment covers services to both FOIA EXEMPTION 6 Trust and its successors, if any.

FOIA EXEMPTION 6 Trust:

FOIA EXEMPTION 6 Trust is a revocable, living trust, with my mother as grantor and sole trustee. I have also begun to advise my mother's trust on tax, contract, investment, accounting and legal matters. All services related to her trust will be performed outside regular duty hours. I do not represent or anticipate representing my mother's trust in any contested matter. I anticipate no more than 50 hours of work per year. As with my father's trust, I so far have received no compensation for my services, but should this request be approved, I might anticipate compensation, if any, of no more than \$ EX6 per annum. Neither FOIA EXEMPTION 6 Trust nor its trustee is a party to, nor has it/she ever sought any federal assistance, grant, agreement or contract. This request for approval of outside employment also covers services to FOIA EXEMPTION 6 FOIA EX6 Trust.

If you have any questions, I will be happy to discuss them with you.

  
Approved

Disapproved

Date: Oct. 4, 1995



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION 5  
 77 WEST JACKSON BOULEVARD  
 CHICAGO, IL 60604-3590

OCT 04 1995

REPLY TO THE ATTENTION OF:

MEMORANDUM

SUBJECT: Outside Employment  
 FROM: FOIA EXEMPTION 6 FOIA EX 6  
 Deputy Regional Counsel, GM-15  
 TO: Gail C. Ginsberg  
 Regional Counsel

I hereby submit a request for administrative approval of outside employment pursuant to 40 C.F.R. Section 3.508, Appendix A. This request is in addition to my request dated January 9, 1985, which was approved by then Regional Counsel Robert B. Schaeffer on January 10, 1985. That prior approved request remains current and effective, except that FOIA EXEMPTION 6 is no longer my sole private client (see below).

I hereby request to advise two estate planning trusts, FOIA EXEMPTION 6 FOIA EXEMPTION 6 Trust, dated and effective April 30, 1994, and The FOIA EX 6 Trust, also dated and effective April 30, 1995, on business, legal, investment and accounting matters.

FOIA EXEMPTION 6 Trust:

On September 6, 1995, the date of my father's death, FOIA EX 6 FOIA EX 6 Trust became an irrevocable trust. Prior to that date it had been a revocable, living trust, with my father serving as the grantor and sole trustee. He controlled his trust entirely and had the power to revoke it at any time prior to his death. I have declined to assume the powers of a successor trustee under the terms of that trust. While my mother is living, I have no present ownership or beneficial interest under the trust, except that the trustees, in their sole discretion, could distribute portions of income and principal from one fund in the trust under a limited power of appointment for my health care, support, maintenance and education. Given my present employment status, good health, and level of educational attainment, it is highly unlikely that such discretion would be presently exercised in my favor. In addition, the trustees must give first consideration to my mother's needs for support, maintenance, and health care and current income.

Nonetheless, I have begun to advise and provide services to EX 6 FOIA EXEMPTION 6 Trust on certain matters as set forth above. I do not represent or anticipate representing my deceased

father's trust in any contested matter. All services rendered or anticipated to be rendered are related to tax, contract, investment, accounting or legal matters. At some point in the near future, The FOIA EXEMPTION 6 Trust may, accordingly to its terms, be split into two trusts called FOIA EXEMPTION 6 EX6 By-Pass Trust and FOIA EXEMPTION 6 Marital Trust. Both successor trusts would have the same trustee(s) and trustee powers. All services related to the FOIA EXEMPTION 6 Trust or its successors are or will be performed outside of normal duty hours. I anticipate no more than 120 hours of work during the coming year, and thereafter no more than 60 hours of work per year. Thus far, I have received no compensation for my services, but should this request be approved, I might anticipate compensation, if any, of no more than \$ EX6 per annum. Neither FOIA EXEMPTION 6 Trust nor its successors, nor its trustee(s) or successor trustee(s) are a party to, nor have they ever sought any federal assistance, grant, agreement or contract. This request to approve outside employment covers services to both FOIA EXEMPTION 6 Trust and its successors, if any.

FOIA EXEMPTION 6 Trust:

FOIA EXEMPTION 6 Family Trust is a revocable, living trust, with my mother as grantor and sole trustee. I have also begun to advise my mother's trust on tax, contract, investment, accounting and legal matters. All services related to her trust will be performed outside regular duty hours. I do not represent or anticipate representing my mother's trust in any contested matter. I anticipate no more than 50 hours of work per year. As with my father's trust, I so far have received no compensation for my services, but should this request be approved, I might anticipate compensation, if any, of no more than \$ EX6 per annum. Neither FOIA EXEMPTION 6 Family Trust nor its trustee is a party to, nor has it/she ever sought any federal assistance, grant, agreement or contract. This request for approval of outside employment also covers services to FOIA EXEMPTION 6 EX6 Trust.

If you have any questions, I will be happy to discuss them with you.

  
Approved

Disapproved

Date: Oct. 4, 1995



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
230 SOUTH DEARBORN ST.  
CHICAGO, ILLINOIS 60604

REPLY TO ATTENTION OF:  
5C-16

JAN 09 1985

MEMORANDUM

SUBJECT: Outside Employment

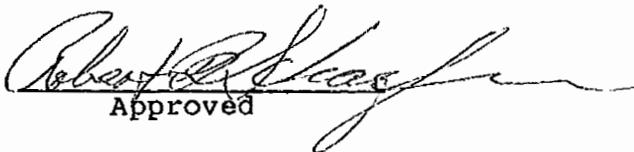
FROM: FOIA EXEMPTION 6 *FOIA EXEMPTION 6*  
Associate Regional Counsel, GS-14

TO: Robert B. Schaefer  
Regional Counsel

I hereby submit a request for administrative approval of outside employment pursuant to 40 C.F.R. §3.508, Appendix A.

I presently advise FOIA EXEMPTION 6 (she is a self-employed clinic psychologist whose office is in our house at FOIA EXEMPTION 6 FOIA EXEMPTION 6 on business and personal legal matters, provide some investment advice, and perform accounting services, for which I receive and anticipate to receive compensation. She is my only client, and I do not represent, nor anticipate representing her or providing any legal or other services in any contested matter. Services rendered and anticipated to be rendered are related to tax, contract, and expert testimony matters. All services are performed entirely outside normal duty hours. I anticipate no more than 50 hours of work per year and compensation of less than \$ EX 6 per annum. FOIA EX 6 not a party, nor has she ever sought any federal assistance, agreement, or contract.

If you have any questions, I will be happy to discuss the matter more fully.

  
Approved

Disapproved

Date: 1/10/85



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

August 18, 2000

REPLY TO THE ATTENTION OF

C-14J

MEMORANDUM

SUBJECT: Request for Approval for Outside Employment

FROM: FOIA EX 6  
Assistant Regional Counsel

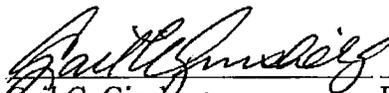
TO: Gail C. Ginsberg  
Regional Counsel

By this memorandum, I hereby request, pursuant to 5 CFR § 6401.103, approval for outside employment as an Adjunct Professor at FOIA EX 6 College of Law for the Fall Semester 2000. In support of my request, I can provide the following information:

- (1) name, title and grade - FOIA EX 6, Assistant Regional Counsel, GS-14;
- (2) nature of outside activity - I will be teaching an evening seminar on hazardous waste regulation as part of FOIA EX 6 Program in Environmental Law;
- (3) name of organization - FOIA EX 6 College of Law, FOIA EXEMPTION 6
- (4) estimated time - 5 hours per week;
- (5) employee's statement re: resources - I hereby state that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with my outside employment;
- (6) compensation - \$ EX 6 per semester (shared equally with my co-instructor); and
- (7) employee's statement re: regulations - I hereby state that I have read, I am familiar with, and will abide by, the restrictions described in 5 CFR part 2635 and 6401.102.

APPROVE:

DISAPPROVE:

  
Gail C. Ginsberg Date 8/17/00

\_\_\_\_\_  
Gail C. Ginsberg Date

cc: Michael Smith  
Connie Puchalski



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:  
C-14J

MEMORANDUM

SUBJECT: Request for Approval for Outside Employment

FROM: <sup>FOIA</sup> ~~FOIA EXEMPTION 6~~ <sup>EX 6</sup>  
Assistant Regional Counsel

TO: Gail C. Ginsberg  
Regional Counsel

By this memorandum, I hereby request, pursuant to 5 CFR § 6401.103, approval for outside employment as an Adjunct Professor at ~~FOIA EX 6~~ College of Law. In support of my request, I can provide the following information:

- (1) name, title and grade - ~~FOIA EX 6~~, Assistant Regional Counsel, GS-14;
- (2) nature of outside activity - I will be teaching an evening seminar on hazardous waste regulation as part of ~~FOIA EX 6~~ program in Environmental Law;
- (3) name of organization - ~~FOIA EX 6~~ College of Law, ~~FOIA EXEMPTION 6~~ <sup>FOIA EXEMPTION 6</sup>
- (4) estimated time - 5 hours per week;
- (5) employee's statement re: resources - I hereby state that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with my outside employment;
- (6) compensation - \$ ~~EX 6~~ per semester (shared equally with my co-instructor); and
- (7) employee's statement re: regulations - I hereby state that I have read, I am familiar with, and will abide by, the restrictions described in 5 CFR part 2635 and 6401.102.

APPROVE:

DISAPPROVE:

Gail C. Ginsberg 12/19/99  
Gail C. Ginsberg Date

\_\_\_\_\_  
Gail C. Ginsberg Date

cc: Michael Smith  
Connie Puchalski

August 23, 2013

**MEMORANDUM**

**SUBJECT:** Request for Approval for Outside Activity pursuant to 5 C.F.R. § 6401.103.

**FROM:** FOIA EXEMPTION 6  
Associate Regional Counsel, GS-15

**THRU:** Debra Klassman  
Debra Klassman, Chief  
Multi-Media Branch II, Section 2  
Office of Regional Counsel

**TO:** Robert A. Kaplan  
Regional Counsel/Deputy Ethics Official

Pursuant to 5 C.F.R. § 6401.103, I request approval for outside activity and state the following in support of this request:

1. The nature of the outside activity, including a full description of the services to be performed:

I am a member of the FOIA EX6 association EX6. The FOIA EX6 Transit Authority EX6 has proposed a major transportation project in my neighborhood (FOIA EX6 FOIA EXEMPTION 6). The EX6 is preparing an Environmental Assessment ) for the FOIA EX6 for public comment in September 2013.

I have been asked to write a short article for the EX6 monthly newsletter (which will appear on the Internet), to help educate EX6 members regarding where the EX6 is in its decision-making process, what an EA is, and how to effectively comment on one. I do not expect to "take sides" in the article. I expect to cite to EPA and CEQ materials.

I expect that my title will appear as one of several biographical details with the article. I will include the disclaimer: "The views expressed in this article do not necessarily reflect those of the U.S. EPA or the United States."

2. The name and business of the person or organization for which the work will be done:

is a non-profit organization chartered by the State of EX6. The boundaries of the association are: that part of the city of FOIA EX6 with boundaries as follows:

FOIA EXEMPTION 6 EX6 vaukee describes its purpose as follows:

The purpose of EX6 shall be educational, social and civic. It is organized:

- To provide an opportunity for those who live in, work in, or identify with the social or business interests of the area, to work together for the common good of the community with a positive community spirit;

- To work for a cleaner, safer neighborhood; To assemble and disseminate information about neighborhood conditions, ways to eliminate unwholesome and blighting features, quality and availability of public and private community services, the law pertaining to these matters, and resources available for developing plans for conservation, redevelopment, and general improvement of the community;
- To plan for the maintenance and improvement of both the physical and social environment of the community;
- To promote community discussion of these matters;
- To empower members to solve community problems.

Such activities shall be carried on without reference to race, creed, or national origin and shall be in cooperation with governmental, religious, charitable, and other educational, civic, scientific, or community organizations. The organization itself shall not become involved in campaigns for political office.

(see <http://news.foia exemption 6>)

3. The estimated amount of time to be devoted to the activity:

6 hours to prepare the monthly newsletter article and 1 hour to present at the monthly meeting on September 9, 2013.

4. The amount of compensation expected:

\$0

5. The basis for compensation (e.g., fee, per diem, per annum, etc.):

N/A

6. The service will be performed entirely outside of normal duty hours.

7. The person to or for whom services would be provided does not hold any EPA assistance agreements or contracts.

8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside activity.

9. I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

## REQUEST FOR APPROVAL OF OUTSIDE EMPLOYMENT/ACTIVITY

June 2, 2010

### MEMORANDUM

SUBJECT: Request for Approval for Outside Activity Pursuant to  
5 C.F.R. § 6401.103.

FROM: *FOIA EXC* Associate Regional Counsel, GS-15 *FOIA EXC*

THRU: Stephen Mendoza, Chief  
Multi-Media Branch I, Section II *Stephen Mendoza*

TO: Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

Pursuant to 5 C.F.R. § 6401.103, I hereby request approval for outside employment and state the following in support of this request.

1. The nature of the outside activity, including a full description of the services to be performed: Provide individual consultations to participants (low income residents of *EXC* county) in the *FOIA EXC* Foundation of *FOIA EXEMPTION*, Pro Se Divorce Clinic.
2. The name and business of the person or organization for which the work will be done: the *FOIA EXC* Foundation of *FOIA EXEMPTION*
3. The estimated amount of time to be devoted to the activity: Two hours/month.
4. The amount of compensation expected: \$0
5. The basis for compensation: N/A
6. The service **will** be performed entirely outside of normal duty hours.
7. The person to or for whom services would be provided **does not** hold any EPA assistance agreements or contracts.
8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.
9. I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

Approved by Debra A. Klason  
Supervisor

Date: 8-23-13

Concurred by Debra Coyle  
Ethics Attorney

Date: 8/23/13

Approved by Robert A. Kaplan  
Deputy Ethics Official

Date: 8/23/13

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 C.F.R. § Parts 2635 and 6401.102, as required by 5 C.F.R. § 6401.103.

MEMORANDUM

DATE: December 18, 2006

SUBJECT: Request for Approval for Outside Employment/Activity Pursuant to 5 CFR 6401.103.

FROM: FOIA EXC FOIA EXC  
Associate Regional Counsel (GS-15)

THRU: Stephen Mendoza, Chief  
Multi-Media Branch I, Section II

TO: Bertram C. Frey  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

Pursuant to 5 CFR 6401.103, I hereby request approval for outside employment, and state the following in support of this request.

1. The nature of the outside activity, including a full description of the services to be performed: **Adjunct Professor of Law (will be teaching Environmental Law and Policy class one night/week).**
2. The name and business of the person or organization for which the work will be done: **FOIA EXC College of Law**
3. The estimated amount of time to be devoted to the activity: **6 hours/week.**
4. The amount of compensation expected: **Honorarium of \$ FOIA EXC**
5. The basis for compensation: **Per semester.**
6. The service will be performed entirely outside of normal duty hours.
7. The person to or for whom services would be provided **does not** hold any EPA assistance agreements or contracts.
8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

Approved by \_\_\_\_\_ Date: \_\_\_\_\_  
Stephen Mendoza

Approved by \_\_\_\_\_ Date: \_\_\_\_\_  
Leverett Nelson

Concurred by Marcia Forcey Date: 6/7/10  
Ethics Attorney  
*Counseling re to Boston ethics rules was provided.*

Approved by Robert A. Kaplan Date: 6/7/10  
Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 C.F.R. Part 2635 and § 6401.102, as required by 5 C.F.R. § 6401.103.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

**REQUEST FOR APPROVAL OF OUTSIDE EMPLOYMENT/ACTIVITY**

**MEMORANDUM**

**SUBJECT:** Request for Approval for Outside *Employment/Activity* pursuant to 5 C.F.R. § 6401.103.

**FROM:** FOIA *ex 6*  
Associate Regional Counsel, Grade 14

**THRU:** Stephen Mendoza  
Section Chief, Branch 1, Section 2

**TO:** Robert A. Kaplan  
Regional Counsel/Deputy Ethics Official

Pursuant to 5 C.F.R. § 6401.103, I request approval for outside employment and state the following in support of this request:

**1. The nature of the outside activity, including a full description of the services to be performed:**

I request permission to represent the FOIA *ex 6* land trust on all legal matters. These representation activities will not take place in Federal Court or any other Federal proceeding.

**2. The name and business of the person or organization for which the work will be done:**

The FOIA *ex 6* / land trust.

**3. The estimated amount of time to be devoted to the activity:**

I do not anticipate that the activity will exceed 40 hours per year.

9. I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and 6401.102.

Approved by Stephen Mendelsohn Date: 12/18/06  
Supervisor

Approved by [Signature] Date: 12/19/06  
Branch Chief

Concurred by [Signature] Date: 12/19/06  
Ethics Attorney (ORC)

Approved by Bertram C. Frey Date: 12/19/2006  
Bertram C. Frey  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and 6401.102, as required by 5 CFR 6401.103.

**4. The amount of compensation expected:**

I will not be directly compensated for my representational activities; however, I am one of the beneficiaries of the trust.

**5. The basis for compensation (e.g., fee, per diem, per annum, etc.):**

N/A

**6. The service will be performed entirely outside of normal duty hours {if not, estimate the number of hours of absence from work required}.**

All activities will be performed outside of normal duty hours. If not, I will take annual leave for the periods in question.

**7. The person to or for whom services would be provided does not hold any EPA assistance agreements or contracts.**

**8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.**

**9. I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.**

Approved by Stephen Mendigo Date: March 22, 2013  
Supervisor

Concurred by Marcia J. Jones Date: March 27, 2013  
Ethics Attorney

Approved by Bertram C. Fry Date: March 28, 2013  
Deputy Ethics Official  
*acting for RAK*

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 C.F.R. § Parts 2635 and 6401.102, as required by 5 C.F.R. § 6401.103.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGIONS  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

DEC 06 2004

**Subject:** Prior approval for outside employment  
Pursuant to 5 CFR 6401.103

**From:** FOIA EXEMPTION 6  
Assistant Regional Counsel

**Through:** Larry Kyte  
Section Chief, Multi-Media Branch

**To:** *Bertram C. Frey*  
Bertram Frey  
Acting Regional Counsel

I am seeking permission pursuant to 5 CFR 6401.103 to represent a former client, FOIA EXEMPTION 6 is being sued by EX 6 in connection with a car he is buying on contract. The new action is a continuation of an action in which I successfully defended FOIA EX 6 during the Summer of 2003.

Ordinarily, I would refer FOIA EX 6 to another attorney. I believe the resolution of the current case, however, may hinge on the court's interpretation of the record in the former case. Regrettably, the clerk of the court has lost or misplaced portions of the record. I am uniquely qualified to represent FOIA EX 6 because of my knowledge of the record in the earlier case. Even if I do not represent FOIA EX 6, I may still be called as a witness in the current case.

I do not expect to get paid for my work as FOIA EX 6 is a man of very modest means. Nevertheless, I would like to represent FOIA EX 6 because I feel strongly that FOIA EX 6 has not treated him fairly.

I am cautiously optimistic that I can negotiate a prompt settlement. If I cannot, I will need to devote a day and one-half to the case between now and Thanksgiving. I would propose to take leave without pay while working on the case.

United States Environmental Protection Agency  
Region 5  
Chicago, Illinois

SEP 09 2003

To: Bertram Frey  
Acting Regional Counsel

Through: FOIA EX 6  
Section Chief, Multi-Media Branch

From: Steven P. Kaiser  
Assistant Regional Counsel

Re: Prior approval for outside employment  
Pursuant to 5 CFR 6401.103

JK  
SPK  
Z

I am seeking permission pursuant to 5 CFR 6401.103 to maintain limited outside employment for the purpose of winding up my solo law practice. In preparation for preparing this Memorandum, I have read and agree to abide by the restrictions contained in 5 CFR Part 2635 and Section 6401.102.

I am proposing that I be allowed to appear in the cases listed immediately below for the limited purpose of withdrawing as counsel of record. Unless otherwise indicated, the work would be performed during normal duty hours though I will be taking leave without pay in order to attend to these matters. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

9/9/03 FOIA EXEMPTION 6 at 9:00 a.m.

9/10/03 FOIA EXEMPTION 6 FOIA EX 6 at 9:00 a.m. I am seeking leave to withdraw as counsel. I estimate this will require one hour to accomplish.

9/10/03 FOIA EXEMPTION 6 FOIA EX 6 at 9:30 a.m. I am seeking leave to withdraw as counsel. I estimate this will require one hour to accomplish.

9/12/03 FOIA EX 6 FOIA EXEMPTION 6 1:00 p.m. I am seeking leave to withdraw as counsel. I estimate this will require one hour to accomplish.

9/16/03 FOIA EXEMPTION 6 FOIA EXEMPTION 6 9:00 a.m. I am seeking leave to withdraw as counsel. I estimate this will require one hour to accomplish.

11/12/03 FOIA EX6 m.g. Circuit Court of FOIA EX6 2<sup>nd</sup> Municipal District,  
FOIA EX6 This case will require one day of trial. If FOIA EX6 is found  
guilty, I will need to return to court in December for sentencing.

12/08/03 FOIA EX6 I need to appear with FOIA EX6 for sentencing before  
Judge EX6 11 FOIA EX6

I am requesting permission to participate in the above-listed cases in the manner  
described above. If you have any questions concerning these matters, please do not hesitate to  
contact me at: FOIA EX6

Approved this 17<sup>th</sup> day of October 2003

  
Bertram Frey, Acting Regional Counsel

- 9/16/03 FOIA EXEMPTION 6 FOIA EX 6 at 9:00 a.m. I am seeking leave to withdraw as counsel. I estimate this will require one hour to accomplish.
- 9/17/03 FOIA EXEMPTION 6 FOIA EXEMPTION 6 , 10:30 a.m. I am seeking leave to withdraw as counsel. I estimate this will require one hour to accomplish.
- 9/24/03 FOIA EXEMPTION 6 FOIA EX 6 at 1:00 p.m. I am seeking leave to withdraw as counsel. I estimate this will require one hour to accomplish.
- 9/26/03 FOIA EXEMPTION 6 FOIA EX 6 . I am seeking leave to withdraw as counsel. I estimate this will require one hour to accomplish.
- 10/8/03 FOIA EXEMPTION 6 Circuit Court of FOIA EX 6 4<sup>th</sup> Municipal District, FOIA EXEMPTION 6 at 9:00 a.m. I am seeking leave to withdraw as counsel. I estimate this will require one hour to accomplish.
- 10/14/03 FOIA EXEMPTION 6 Circuit Court of FOIA EX 6 , 4<sup>th</sup> Municipal District, FOIA EX 6 at 9:00 a.m. I am seeking leave to withdraw as counsel. I estimate this will require one hour to accomplish.
- 10/17/03 FOIA EXEMPTION 6 FOIA EXEMPTION 6 at 9:00 a.m. I am seeking leave to withdraw as counsel. I estimate this will require one hour to accomplish.
- 10/23/03 FOIA EXEMPTION 6 FOIA EX. 6 at 9:00 a.m. I am seeking leave to withdraw as counsel. I estimate this will require one hour to accomplish.
- 10/24/03 FOIA EXEMPTION 6 FOIA EXEMPTION 6 at 9:00 a.m. I am seeking leave to withdraw as counsel. I estimate this will require one hour to accomplish.

FOIA EXEMPTION 6, a citizen's suit complaint before the Illinois Pollution Control Board. I represent the plaintiffs in the prosecution of their noise pollution complaint. The Board recently issued an order prohibiting EX 6 from operating during nighttime hours until it builds a noise wall. EX 6 has filed a Motion To Reconsider. I will seek leave to withdraw from this matter immediately.

In the cases listed below, I am seeking permission to continue representing my clients in the trial of their cases. The cases are expected to last between one-half and one full day.

9/10/03 FOIA EXEMPTION, b FOIA EX 6, at 9:00 a.m. This case would be a bench trial and would require one-half day to complete. I have already been paid in full and would like to complete the case because I believe I can best represent my client's interests.

9/30/03 FOIA EXEMPTION b Circuit Court of FOIA EX 6 2<sup>nd</sup> Municipal District, FOIA EX 6 This case would require one full day. I have already been paid in full and would like to complete the case because I believe I can best represent my client's interests.

In the following case, I would like to be allowed to continue briefly as counsel.

FOIA EXEMPTION b FOIA EXEMPTION b Court of Appeals, FOIA EX 6 I represent the Defendant-Appellant. I have already filed my appeal brief and anticipate filing a Reply Brief and perhaps appearing for limited oral argument. The case involves the construction of an insurance contract and the insurer's duty to defend. I have the appeal on a contingent fee basis.

I am requesting permission to participate in the above-listed cases in the manner described above. If you have any questions concerning these matters, please do not hesitate to contact me at FOIA EX 6

Approved this 9<sup>th</sup> day of September 2003

  
Bertram Frey, Acting Regional Counsel



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

**MEMORANDUM**

**SUBJECT:** Request for Approval for Outside *Employment/Activity* pursuant to 5 CFR 6401.103.

**FROM:** FOIA EXEMPTION  
Associate Regional Counsel, GS-14-6

**THRU:** Ignacio Arrazola  
Chief, Section 3, Multi-Media Branch 1

**TO:** Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

Pursuant to 5 CFR 6401.103, I hereby request approval for outside employment and state the following in support of this request.

1. I am seeking permission to maintain limited outside employment for the purpose of earning additional income in order to finance my son's college education, scheduled to begin in the autumn of 2009. I propose to offer my legal services to friends, family and neighbors interested in simple estate planning. I will counsel clients concerning the benefits of preparing simple Wills, Living Trusts, Property Powers of Attorney, and Health Care Powers of Attorney. Upon request, I will then prepare such documents.
2. I will market myself under the name, "The Law Office of FOIA EXC " I anticipate adding one client each month; during the next six months I expect to have six new clients.
3. I expect to devote between five and twenty hours per month to the marketing of my services and the drafting and execution of estate planning documents.
4. I expect to earn FOIA EXC dollars in gross receipts during the next six months.
5. I will be compensated on either an hourly or flat fee basis. I will receive payment only for services rendered.
6. The service will not be performed entirely outside of normal duty hours. I estimate that my work may require me to be absent from work four hours per month in order to oversee the execution of estate planning documents.

7. The person to or for whom services would be provided does not hold any EPA assistance agreements or contracts.

8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

9. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.

Approved by *Jan L. Paul* Date: *07/06/09*  
Supervisor

Approved by \_\_\_\_\_ Date: \_\_\_\_\_  
Branch Chief (If you are in a Branch).

Concurred by *Mary H. Imry* Date: *7/9/09*  
Ethics Attorney (ORC)

Approved by *Robert A. Kaplan* Date: *7/9/09*  
Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and 6401.102, as required by 5 CFR 6401.103.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUL 13 1997

REPLY TO THE ATTENTION OF:

MEMORANDUM

SUBJECT: Request for Approval for Outside *Employment* pursuant to 5 CFR 6401.103.  
FROM: *FOIA EXEMPTIONS FOIA EXC*  
Excerpted Appointment, Office of Regional Administrator  
TO: Bharat Mathur  
Deputy Ethics Official  
Office of Regional Administrator, Region 5

Pursuant to 5 CFR 6401.103, I hereby request approval for outside employment and state the following in support of this request.

1. The nature of the outside activity, including a full description of the services to be performed:

Adjunct faculty at the University of *CHIAGO* at *FOIA EXC* Teach graduate courses in environmental policy for the Department of Environmental Studies.

2. The name and business of the person or organization for which the work will be done:

University of *CHIAGO* at *FOIA EXC*, which conducts higher education for undergraduate and graduate students.

3. The estimated amount of time to be devoted to the activity:

About four to seven hours per week. Class period is 3.5 hours on Tuesday evenings and other hours are preparation time.

4. The amount of compensation expected:

Expect pay to be about \$ *EXC* per semester.

5. The basis for compensation (e.g., fee, per diem, per annum, etc.):

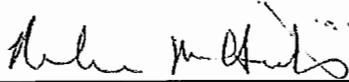
Bi-weekly payroll.

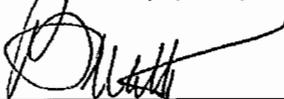
6. The service will be performed entirely outside of normal duty hours {if not, estimate the number of hours of absence from work required}.

7. The person to or for whom services would be provided does not hold any EPA assistance agreements or contracts.

8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

9. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.

Concurred by  Date: 7/18/07  
Ethics Attorney (ORC)

Approved by  Date: 7/25/07  
Bharat Mathur  
Deputy Ethics Official  
Office of Regional Administrator, Region 5

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and 6401.102, as required by 5 CFR 6401.103.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

October 4, 2011

REPLY TO THE ATTENTION OF

MEMORANDUM

SUBJECT: Request for Approval for Outside *Employment/Activity* pursuant to 5 CFR 6401.103.

FROM: FOIA exc Regional Counsel, SES *FOIA exemption 6*

THRU: Catherine McCabe  
Principal Deputy Assistant Administrator  
Office of Enforcement & Compliance Assurance

TO: Justina Fugh  
Senior Counsel for Ethics  
Alternate Agency Ethics Official

Pursuant to 5 CFR 6401.103, I hereby request approval for outside employment and state the following in support of this request.

1. The nature of the outside activity, including a full description of the services to be performed:

**My Aunt is in her late 80s and has requested me to provide assistance with some estate issues, including amending her revocable trust. I would draft the documents for her to sign.**

2. The name and business of the person or organization for which the work will be done:

**Assistance for a family member.**

3. The estimated amount of time to be devoted to the activity:

**3-4 hours.**

4. The amount of compensation expected:

**No compensation.**

5. The basis for compensation (e.g., fee, per diem, per annum, etc.):

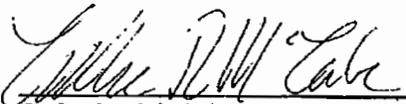
**No compensation.**

6. The service **WILL** be performed entirely outside of normal duty hours.

7. The person to or for whom services would be provided **does not** hold any EPA assistance agreements or contracts.

8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

9. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.

Approved by  Date: 10/4/11  
Catherine McCabe  
Principal Deputy Assistant Administrator  
Office of Enforcement & Compliance Assurance

Approved by  Date: 10/5/11  
Justina Fugh  
Senior Counsel for Ethics  
Alternate Agency Ethics Official

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and 6401.102, as required by 5 CFR 6401.103.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

AUG 31 2000

REPLY TO THE ATTENTION OF

C-14J

MEMORANDUM

SUBJECT: Request for Approval for Outside Employment

FROM: FOIA EXEMPTION  
Associate Regional Counsel

TO: Gail C. Ginsberg  
Regional Counsel

By this memorandum, I hereby request, pursuant to 5 C.F.R. § 6401.103, approval for outside employment as an Adjunct Professor at FOIA EX College of Law for the Fall Semester 2000. In support of my request, I can provide the following information:

- (1) name, title and grade - FOIA EXEMPTION Associate Regional Counsel, GS-14;
- (2) nature of outside activity - I will be teaching a seminar on environmental enforcement and litigation as part of FOIA EX Program in Environmental Law;
- (3) name of organization - FOIA EXEMPTION LAW, FOIA EXEMPTION  
FOIA EXEMPTION
- (4) estimated time - 5 hours per week;
- (5) employee's statement re: resources - I hereby state that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with my outside employment;
- (6) compensation - \$ EX per semester (shared equally with my co-instructor); and
- (7) employee's statement re: regulations - I hereby state that I have read, I am familiar with, and will abide by, the restrictions described in 5 C.F.R. Parts 2635 and 6401.102.

APPROVE:

DISAPPROVE:

Gail C. Ginsberg

8/31/00  
Date

\_\_\_\_\_  
Gail C. Ginsberg

\_\_\_\_\_  
Date

cc: Michael Smith  
Connie Puchalski



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:  
C-143

MEMORANDUM

SUBJECT: Request for Approval for Outside Employment

FROM: FOIA EXEMPTION 6  
Associate Regional Counsel

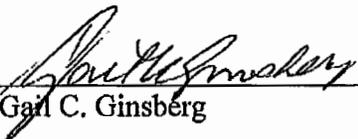
TO: Gail C. Ginsberg  
Regional Counsel

By this memorandum, I hereby request, pursuant to 5 CFR § 6401.103, approval for outside employment as an Adjunct Professor at FOIA EX 6 College of Law. In support of my request, I can provide the following information:

- (1) name, title and grade - FOIA EX 6, Associate Regional Counsel, GS-14;
- (2) nature of outside activity - I will be teaching an evening seminar on hazardous waste regulation as part of FOIA EX 6 program in Environmental Law;
- (3) name of organization - FOIA EX 6 College of Law, FOIA EXEMPTION C  
FOIA EXEMPTION 6
- (4) estimated time - 5 hours per week;
- (5) employee's statement re: resources - I hereby state that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with my outside employment;
- (6) compensation - \$ EX 6 per semester (shared equally with my co-instructor); and
- (7) employee's statement re: regulations - I hereby state that I have read, I am familiar with, and will abide by, the restrictions described in 5 CFR part 2635 and 6401.102.

APPROVE:

DISAPPROVE:

  
Gail C. Ginsberg Date 12/19/99

\_\_\_\_\_  
Gail C. Ginsberg Date

cc: Michael Smith  
Connie Puchalski



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

MEMORANDUM

SUBJECT: Request for Approval for Outside *Employment/Activity* pursuant to 5 C.F.R. § 6401.103.

FROM: FOIA EXEMPTIONS EXC Associate Regional Counsel, Grade T4

THRU: Eileen Furey  
Section Chief

TO: Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

Pursuant to 5 C.F.R. § 6401.103, I hereby request approval for outside employment and state the following in support of this request.

1. The nature of the outside activity, including a full description of the services to be performed:

Representing my fiancée, FOIA EXC in an action seeking payment of delinquent child support (and other matters of non-compliance with a divorce judgment) against her ex-husband, FOIA EXC, a resident of FOIA EXC. EXC is seeking to have any post-judgment enforcement of the divorce judgment transferred to FOIA EXC from FOIA EXC / because that is where venue is now proper.

2. The name and business of the person or organization for which the work will be done:

My fiancée, FOIA EXEMPTIONS

3. The estimated amount of time to be devoted to the activity:

It is not possible to know at this point, but a reasonable estimate would be a court date every 6-8 weeks. Any other work would be performed outside of my duty hours with EPA.

4. The amount of compensation expected:

None.

5. The basis for compensation (e.g., fee, per diem, per annum, etc.): N/A

6. The service will not be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required).

I estimate 4 hours every 6-8 weeks for court appearances, for which I would take annual leave. Otherwise all other legal work would be performed during non-duty hours.

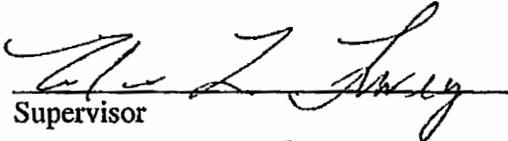
7. The person to or for whom services would be provided **does not** hold any EPA assistance agreements or contracts.

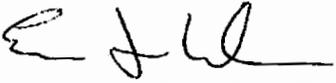
8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

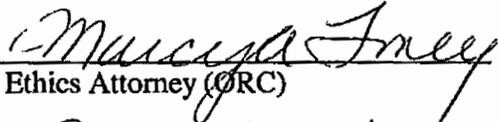
Yes, other than duty time for court appearances, for which I would take annual leave.

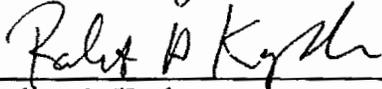
9. I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and 6401.102.

Yes.

Approved by  Date: 7/12/11  
Supervisor

Approved by  Date: 7/12/11  
Branch Chief (If you are in a Branch).

Concurred by  Date: 7/12/11  
Ethics Attorney (ORC)

Approved by  Date: 2/14/11  
Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 C.F.R. parts 2635 and 6401.102, as required by 5 C.F.R. § 6401.103.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

March 4, 2010

MEMORANDUM

SUBJECT: Request for Approval for Outside Activity pursuant to 5 C.F.R. § 6401.103

FROM: FOIA EXEMPTION 6  
FOIA EXEMPTION 6  
Associate Regional Counsel, GS-15

THRU: Debra Klassman, Chief, Section 2, Branch II  
Eric Cohen, Chief, Multi-Media Branch II

TO: Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

Pursuant to 5 C.F.R. § 6401.103, I hereby request approval for outside employment and state the following in support of this request.

1. The nature of the outside activity, including a full description of the services to be performed: I intend to volunteer with a legal assistance hotline that provides advice, information and referral services over the telephone to low-income residents in FOIA EX 6
2. The name and business of the person or organization for which the work will be done: FOIA EXEMPTION 6 FOIA EXEMPTION 6 is the name of the organization. FOIA EX 6 is the Supervising Attorney.
3. The estimated amount of time to be devoted to the activity: After about 7 hours of initial training, FOIA EX 6 asks for a commitment of 2 hours twice a month.
4. The amount of compensation expected: None
5. The basis for compensation (e.g., fee, per diem, per annum, etc.): N/A
6. The service will be performed entirely outside of normal duty hours, except for a portion of the initial training required (approximately 3 hours) for which I assume I should take annual leave.
7. The person to or for whom services would be provided does not hold any EPA assistance agreements or contracts.

8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

9. I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and 6401.102.

Approved by Debra A. Krasman Date: 3-4-10  
Supervisor

Approved by [Signature] Date: 3/4/10  
Branch Chief

Concurred by Mary Jo Tracy Date: 3/8/10  
Ethics Attorney (ORC)

Approved by Robert A. Kaplan Date: 3/8/10  
Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 C.F.R. parts 2635 and 6401.102, as required by 5 C.F.R. § 6401.103.

## GREAT NEW *PRO BONO* OPPORTUNITY AVAILABLE TO FEDERAL ATTORNEYS!

FOIA EXEMPTION 6 FOIA EXEMPTION 6 is a legal hotline that provides advice, information and referral services over the telephone to low-income residents of FOIA EX 6. Volunteers provide assistance in areas of civil law, including family law, landlord-tenant matters, consumer issues and employment law. FOIA EX 6 a unique database of resources which puts information at volunteers' fingertips and enables them to provide advice on the spot!

FOIA EX 6 provides thorough training for both the substantive areas of law and for using the database. In addition FOIA EX 6 has all volunteers shadow an experienced attorney before going solo on the hotline. Following the trainings, volunteer attorneys staff the hotline on Wednesday evenings from 6:00-8:00 p.m. twice a month at the FOIA EX 6 offices, FOIA EXEMPTION 6 FOIA EX 6. Malpractice insurance is provided to volunteers.

To protect federal attorneys from handling calls which pose conflicts of interest, FOIA EX 6 screens all calls and also has a supervising attorney available to handle any such issues.

### Next Training Dates:

- |   |                                |
|---|--------------------------------|
| Substantive Law Training<br>(Landlord-Tenant, Consumer Debt, and Divorce) | March 23 @ 4:00-8:30 p.m.      |
| Systems Training (Choose one date)  | March 30 @ 2:00-4:00 p.m.      |
|   | March 31 @ 6:00-8:30 p.m.      |
|   | April 1 @ 10:00 a.m.-2:00 p.m. |
| Live Call Sessions (Shadowing - Choose one 2-hour session)                | Weeks of April 5, 12, and 19   |

For more information or to register, contact FOIA EX 6, Supervising Attorney, at FOIA EX 6 or FOIA EX 6. Volunteers should check with their agency ethics officer about any approval procedure necessary before engaging in any *pro bono* work.

September 12, 2013

MEMORANDUM

**SUBJECT:** Request for Approval for Outside Employment Pursuant to 5 C.F.R. § 6401.103

**FROM:** FOIA EXEMPTION 6 <sup>EX6</sup>  
Associate Regional Counsel, GS-15

**THRU:** Catherine L. Fox *Catherine Fox*

**TO:** Robert A. Kaplan  
Regional Counsel/Deputy Ethics Official

Pursuant to 5 C.F.R. § 6401.103, I request approval for outside employment and state the following in support of this request:

1. The nature of the outside employment activity, including a full description of the services to be performed:

Provision of residential construction management and general contracting services which promote energy efficiency, resource conservation, and a healthy indoor environment.

2. The name and business of the person or organization for which the work will be done:

Requestor is planning to establish and operate a residential construction management company named FOIA EXEMPTION 6 which will provide the services described above. The number of clients anticipated over the next six months is three.

3. The estimated amount of time to be devoted to the activity:

Occasional weekend and evening work activity amounting to approximately 10 – 20 hours a week.

4. The amount of compensation expected:

Approximately \$ EX6 in the first year of operation.

5. Compensation will be fee-based as determined by a percentage of each client's total project costs.

6. The services will be performed entirely outside of normal duty hours.

7. The person to or for whom services would be provided would not hold any EPA assistance agreements or contracts.

## MEMORANDUM

TO: FOIA exemption 6  
Associate Regional Counsel

FROM: Ann L. Coyle ALC  
Assistant Deputy Ethics Official

RE: Outside Employment/Green-Built Renovations LLC

DATE: September 6, 2013

You have requested advice with respect to your proposal to establish and operate a company called FOIA exemption 6, which will provide residential construction management and general contractor services, while you are employed here at EPA. You submitted a request for approval for this activity to your Deputy Ethics Official. As a general matter, such a proposal can be approved so long as your activity does not violate any statute or federal regulation, particularly the Standards of Ethical Conduct for Employees of the Executive Branch (5 C.F.R. Part 2635). The federal ethics laws and regulations applicable to this type of outside activity are summarized as follows:

- An employee of the executive branch is prohibited from acting as an agent “for prosecuting any claim against the United States” or from acting as an agent before any department, agency or court in connection with “*any covered matter* in which the United States is a party or has a direct and substantial interest.” The term “covered matter” includes any judicial or other proceeding, claim or controversy. This statute prohibits you from acting as an agent for any party in a matter in which the United States is a party or has a direct and substantial interest. 18 U.S.C. § 205. In addition, 18 U.S.C. § 203(a) prohibits similar representational activities when performed for compensation.
- An employee of the executive branch is prohibited from participating personally and substantially in an official capacity in any “particular matter” in which he (or any person whose interests are imputed to him<sup>1</sup>) has a financial interest, if the particular matter will have a direct and predictable effect on that interest. 18 U.S.C. § 208(a) and 5 C.F.R. § 2635.402. Thus, you are prohibited from working on any matter here at EPA involving your company and any of its clients.
- An employee should not participate in a particular matter involving specific parties that he knows is likely to affect the financial interests of a member of his household, or in which he knows a person with whom he has a “covered relationship” is or represents a

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<sup>1</sup> The financial interests of the following persons are imputed to the federal employee: the employee’s spouse, the employee’s minor child; the employee’s general partner; an organization or entity which the employee serves as officer, director, trustee, general partner or employee; and a person with whom the employee is negotiating for or has an arrangement concerning prospective employment. 5 C.F.R. § 2635.402(b)(2).

8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

9. I will not use my Government position or title or any authority associated with my public office in a manner that could reasonably be construed to imply that U.S. EPA or the Government sanctions or endorses my personal activities, including my involvement with FOIA EXC FOIA EXEMPTION 6, or those of another. 5 C.F.R. § 2635.702(b).

10. I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

Approved by Cathy Z Fox Date: 9-12-13  
Supervisor

Concurred by Ann C. O'Leary Date: 9/13/13  
Ethics Attorney

Approved by Robert A. Kuylen Date: 9/13/13  
Deputy Ethics Official

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 C.F.R. § Parts 2635 and 6401.102, as required by 5 C.F.R. § 6401.103.

party, if he determines that a reasonable person with knowledge of the relevant facts would question his impartiality in the matter. 5 C.F.R. §§ 2635.501 and 502. An employee has a “covered relationship” with a person with whom he has or seeks a business, contractual or other financial relationship, a member of his household, and a person for whom the employee has served as an agent, among others. 5 C.F.R. § 2635.502(b)(1). This regulation prohibits you from working as an EPA employee on any matter involving these various entities or individuals with whom you have a personal or business relationship.

- An employee cannot use his public office for his own private gain, for the endorsement of any product, service or enterprise, or for the private gain of friends, relatives or persons with whom the employee is affiliated in a nongovernmental capacity and persons with whom the employee has or seeks employment or business relations. 5 C.F.R. § 2635.702. This regulation prohibits you from using your EPA position or title to promote your business or the private gain of any of your company’s clients.
- An employee may not use his government position or title or any authority associated with his public office in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to himself or to friends, relatives or persons with whom the employee is affiliated in a nongovernmental capacity. 5 C.F.R. § 2635.702(a).
- An employee may not use his Government position or title or any authority associated with his public office in a manner that could reasonably be construed to imply that his agency or the Government sanctions or endorses his personal activities or those of another. 5 C.F.R. § 2635.702(b).
- An employee must use government property and his official time only for authorized purposes. 5 C.F.R. § 704 and 705. You cannot conduct your business while you are on official duty nor can you use government equipment or the services of other EPA employees who are on duty to conduct your business. See EPA’s *Policy on Limited Personal Use of Government Equipment*.
- An employee may not serve as an expert witness with or without compensation on behalf of a party (other than the United States) in any proceeding in which the U.S. has a “direct and substantial” interest unless specifically authorized by the agency. 5 C.F.R. § 2635.805.

Please note that, if you receive more than \$200 in income from this activity, **you will be required to report the source of the income and your position on your OGE Form 450, Confidential Financial Disclosure Form.**

As I have indicated above, your request for prior approval to work as a residential construction management and general contractor likely will be approved. In situations where the application of these regulations to a specific matter or client is not entirely clear, it would be prudent that

you submit specific matters and/or clients for specific approval, as each new client and/or matter may pose a distinct conflict of interest or ethical analysis.

Please do not hesitate to contact me (6-2248) if you have any questions. A copy of this memorandum will be included with your outside activity approval.

October 21, 2013

MEMORANDUM

SUBJECT: Request for Approval for Outside Employment/Activity pursuant to 5 C.F.R. § 6401.103.

FROM: FOIA EXEMPTION 6  
Associate Deputy Regional Counsel

FOIA  
EX 6

TO: Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

Pursuant to 5 C.F.R. § 6401.103, I hereby request approval for outside employment.

1 FOIA EX University FOIA EX asked me to participate in a course (or series of classes) in continuing education for paralegals. The classes are not for credit. The continuing education course is open to both current students and graduates, and is offered through FOIA EX School for FOIA EXEMPTION 6. Classes are scheduled on most Saturdays starting at 9:30 A.M. during the Fall Term at the FOIA EX campus. EX 6 is an accredited educational institution. I will be making at least two presentations for the course. My first (and primary) presentation was from 9:30 A.M. to 3:00 PM on October 5, 2013. It was an "Environmental Law Workshop" and focused on paralegal interactions with regulatory agencies generally. I also will teach a class on paralegal etiquette, resume-writing and interviewing skills; this second presentation will be scheduled soon.

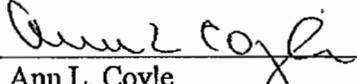
Please note that I also teach a course entitled "Environmental Law" at EX 6 University's School for FOIA EXEMPTION 6 EX 6 at the FOIA EX campus. The most recent ethics approval for that activity was dated August 31, 2012 and is valid for five years. To resolve any ambiguities in the ethics regulations, separate approval is requested for the outside activity that is the subject of this memo. This separate approval is also requested to cover five years.

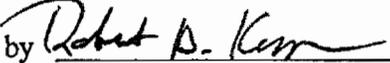
2. The name and business of the person or organization for which the work will be done: EX 6 University, FOIA EX 6 Campus, FOIA EXEMPTION 6.

3. The estimated amount of time to be devoted to the activity: I spent approximately 15 hours preparing for the October 5 class. No significant preparation time is needed for the other sessions. There are no exams or written assignments associated with any of the classes.

[Request of FOIA Ex 6, continued]

4. The amount of compensation for all the presentations is \$ ~~10,000~~ I am a GS-15 employee.
5. The basis for compensation (e.g., fee, per diem, per annum, etc.): The salaries are the same as that paid to other participants in the continuing education series.
6. The service will be performed entirely outside of normal duty hours.
7. The person to or for whom services would be provided does not hold any EPA assistance agreements or contracts, to my knowledge.
8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.
9. I will not use my government position or title or any authority associated with my public office in a manner that could reasonably be construed to imply that U.S. EPA or the federal government sanctions or endorses my personal activities, including my involvement with ~~FIA&C~~ University, or those of another.
10. I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.
11. Timing. I should note that, while this request for approval may appear to be retroactive, this memo is actually the result of several prior clarifying conversations between me and the ORC Ethics Attorney which began in early September. A revision to my initial request was submitted on September 30, 2013, the day before the government shutdown. Government operations resumed October 17. We discussed the request further on October 18, 2013. I have not accepted any compensation to date, pending approval of this request.

Concurred by  Date: 10/22/13  
Ann L. Coyle  
Ethics Attorney (ORC)

Approved by  Date: 10/22/13  
Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or federal regulation, including 5 C.F.R. Part 2635 and § 6401.102, as required by 5 C.F.R. § 6401.103.

August 30, 2012

MEMORANDUM

SUBJECT: Request for Approval for Outside Employment/Activity pursuant to 5 C.F.R. § 6401.103.

FROM: FOIA EXEMPTION 6 FOIA EXEMPTION 6  
Associate Deputy Regional Counsel 8/30/12

TO: Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

Pursuant to 5 C.F.R. § 6401.103, I hereby request approval for outside employment and state the following in support of this request.

1. FOIA EX University ( ) has again asked me to teach an environmental law class to graduate students at the School of FOIA EXEMPTION 6. The course I would teach is a 2-credit-hour survey of the environmental statutes geared to paralegals in the FOIA EXEMPTION 6 classes are scheduled from 6:00 p.m. to 9:00 p.m. and meet every Thursday night for eight weeks (with a rescheduled class for Thanksgiving). The term starts October 25, 2012, and ends December 13, 2012. I would be a "Lecturer" on FOIA EX campus.

2. The name and business of the person or organization for which the work will be done: University, FOIA EX Campus FOIA EXEMPTION 6

3. The estimated amount of time to be devoted to the activity: I estimate I will spend approximately 5 hours each week preparing for class. Classes are 3 hours each. Grading the exams and written assignments will take approximately 24 hours.

4. The amount of compensation is \$. FOIA EX I am a GS-15 employee.

5. The basis for compensation (e.g., fee, per diem, per annum, etc.): The salary is the same as that paid to other adjunct faculty. This would be my eighth time teaching this class (note that there have been more than eight ethics approvals for me to teach, but in some years the course was canceled due to under-enrollment).

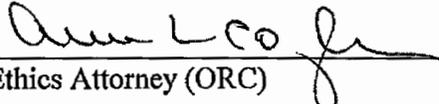
6. The service will be performed entirely outside of normal duty hours. I may take annual leave or use credit hours in order to get to class by 6:00 PM.

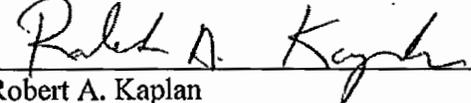
[Request of FOIA exemption, continued]

7. The person to or for whom services would be provided does not hold any EPA assistance agreements or contracts, to my knowledge.

8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment. There may be some de minimus use of my government phone and e-mail, but no more than allowed under the policy on de minimus use.

9. I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

Concurred by  Date: 8/31/12  
Ethics Attorney (ORC)

Approved by  Date: 8/31/12  
Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or federal regulation, including 5 C.F.R. Part 2635 and § 6401.102, as required by 5 C.F.R. § 6401.103.

September 16, 2011

MEMORANDUM

SUBJECT: Request for Approval for Outside Employment/Activity pursuant to 5 C.F.R. § 6401.103.

FROM: FOIA EXEMPTION 6 FOIA EXEMPTION 6  
Associate Deputy Regional Counsel

TO: Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

Pursuant to 5 C.F.R. § 6401.103, I hereby request approval for outside employment and state the following in support of this request.

1. ~~Exc~~ University ~~FOIA EX~~ has again asked me to teach an environmental law class to graduate students at the School of ~~FOIA EXEMPTION 6~~. The course I would teach is a 2-credit-hour survey of the environmental statutes geared to paralegals in the ~~FOIA EX~~ ~~FOIA EX~~. Classes are scheduled from 6:00 p.m. to 9:00 p.m. and meet weekly for eight weeks. The term starts October 24, 2011, and ends December 17, 2011. I would be a "Lecturer" on ~~FOIA EX. 6~~ campus.
2. The name and business of the person or organization for which the work will be done: ~~FOIA EX 6~~ University, ~~FOIA EX. 6~~ Campus, ~~FOIA EXEMPTION 6~~
3. The estimated amount of time to be devoted to the activity: I estimate I will spend approximately 5 hours each week preparing for class. Classes are 3 hours each. Grading the exams and written assignments will take approximately 24 hours.
4. The amount of compensation expected is \$ ~~FOIA EX~~ I am a GS-15 employee.
5. The basis for compensation (e.g., fee, per diem, per annum, etc.): The salary is the same as that paid to other adjunct faculty. This would be my seventh time teaching this class (note that there have been more than seven ethics approvals for me to teach, but in some instances the course was canceled due to under-enrollment).
6. The service will be performed entirely outside of normal duty hours. I may take annual leave or use credit hours in order to get to class by 6:00 PM.

[Request of Form EX 6 continued]

7. The person to or for whom services would be provided does not hold any EPA assistance agreements or contracts, to my knowledge.
8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment. There may be some de minimus use of my government phone and e-mail, but no more than allowed under the policy on de minimus use.
9. I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

Concurred by Marcy Terney Date: 9/19/11  
Ethics Attorney (ORC)

Approved by Robert A. Kaplan Date: 9/20/11  
Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

By signing this approval, the Deputy Ethics Official signifies that approval has been granted—upon a determination that the outside employment is not expected to involve conduct prohibited by statute or federal regulation, including 5 C.F.R. Part 2635 and § 6401.102, as required by 5 C.F.R. § 6401.103.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

December 20, 2010

MEMORANDUM

SUBJECT: Request for Approval for Outside Employment/Activity pursuant to 5 C.F.R. § 6401.103.

FROM: FOIA EXEMPTION 6 Chief FOIA EXEMPTION 6 EX6  
Multi-Media Branch I

TO: Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

Pursuant to 5 C.F.R. § 6401.103, I hereby request approval for outside employment and state the following in support of this request.

1. EX6 University FOIA EX6 has again asked me to teach an environmental law class to graduate students at the School ! FOIA EXEMPTION 6 The course I would teach is a 2-credit-hour survey of the environmental statutes geared to paralegals in the Institute for Paralegal Studies. Classes are scheduled from 6:00 p.m. to 9:00 p.m. and meet weekly for eight weeks. The term starts March 14, 2010, and ends May 7, 2010. I would be a "Lecturer" on FOIA EX. 6 campus.

2. The name and business of the person or organization for which the work will be done: University, FOIA EX 6 Campus, FOIA EXEMPTION 6 EX6

3. The estimated amount of time to be devoted to the activity: I estimate I will spend approximately 5 hours each week preparing for class. Classes are 3 hours each. Grading the exams and written assignments will take approximately 24 hours.

4. The amount of compensation expected is \$ EX6. I am a GS-15 employee.

5. The basis for compensation (e.g., fee, per diem, per annum, etc.): The salary is the same as that paid to other adjunct faculty. This would be my sixth time teaching this class (note that there have been more than six ethics approvals for me to teach, but in some instances the course was canceled due to under-enrollment).

6. The service will be performed entirely outside of normal duty hours. I may take annual leave or use credit hours in order to get to class by 6:00 PM.

[Request of FOIA ex. 6, continued]

7. The person to or for whom services would be provided does not hold any EPA assistance agreements or contracts, to my knowledge.

8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

9. I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

Concurred by Marcia A. Jones Date: 12/21/10  
Ethics Attorney (ORC)

Approved by Robert A. Kaplan Date: 12/21/10  
Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or federal regulation, including 5 C.F.R. Part 2635 and § 6401.102, as required by 5 C.F.R. § 6401.103.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

January 12, 2010

REPLY TO THE ATTENTION OF:

MEMORANDUM

SUBJECT: Request for Approval for Outside *Employment/Activity* pursuant to 5 C.F.R. § 6401.103.

FROM: *FOIA EXEMPTION 6*, Chief *FOIA EXEMPTION 6*  
Multi-Media Branch I

TO: Robert A. Kaplan *Robert A. Kaplan*  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

Pursuant to 5 C.F.R. § 6401.103, I hereby request approval for outside employment and state the following in support of this request.

1. *EX 6* University *FOIA EX 6* has asked me to teach an environmental law class to graduate students at the *FOIA EXEMPTION 6* campus. The course I would teach is a 2-credit-hour survey of the environmental statutes geared to paralegals. Classes are scheduled from 6:00 p.m. to 9:00 p.m. and meet on Wednesday nights for eight weeks. The term starts March 17, 2010, and ends May 5, 2010. I would be a "Lecturer" on *FOIA EXEMPTION 6* campus.
2. The name and business of the person or organization for which the work will be done: University, *FOIA EX 6* Campus, *FOIA EXEMPTION 6*
3. The estimated amount of time to be devoted to the activity: I estimate I will spend approximately 5 hours each week preparing for class. Classes are 3 hours each. Grading the final exam will take approximately 8 hours.
4. The amount of compensation expected is \$ *EX 6* I am a GS-15 employee.
5. The basis for compensation (e.g., fee, per diem, per annum, etc.): The salary is the same as that paid to other adjunct faculty. This would be my fifth time teaching this class (note that there have been more than five ethics approvals for me to teach, but in some instances the course was canceled due to under-enrollment).
6. The service will be performed entirely outside of normal duty hours. I may take annual leave or use credit hours in order to get to class by 6:00 PM.
7. The person to or for whom services would be provided does not hold any EPA assistance agreements or contracts, to my knowledge.

[Request of FOIA EX. 6 continued]

8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

9. I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

Concurred by *Nancy Frey*  
Ethics Attorney (ORC)

Date: *January 19, 2010*

Approved by *Robert A. Kaplan*  
Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

Date: *January 20, 2010*

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or federal regulation, including 5 C.F.R. Part 2635 and § 6401.102, as required by 5 C.F.R. § 6401.103.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

January 21, 2009

REPLY TO THE ATTENTION OF

MEMORANDUM

SUBJECT: Request for Approval for Outside *Employment/Activity* pursuant to 5 C.F.R. § 6401.103.

FROM: FOIA exemption, Chief  
Multi-Media Branch I

FOIA exemption 6

TO: Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

Pursuant to 5 C.F.R. § 6401.103, I hereby request approval for outside employment and state the following in support of this request.

1. EXL University FOIA EXL has asked me to teach an environmental law class to graduate students at the FOIA EXL campus. The course I would teach is a 2-credit-hour survey of the environmental statutes geared to paralegals. Classes are scheduled from 6:00 p.m. to 9:00 p.m. and meet on Thursday nights for eight weeks. The term starts March 19, 2009, and ends May 7, 2008. The April 9 class will be scheduled on an alternate night due to the Easter break. I would be a "Lecturer" on FOIA EXL campus.
2. The name and business of the person or organization for which the work will be done: EXL University, FOIA EXL Campus, FOIA EXEMPTION 6
3. The estimated amount of time to be devoted to the activity: I estimate I will spend approximately 5 hours each week preparing for class. Classes are 3 hours each. Grading the final exam will take approximately 8 hours.
4. The amount of compensation expected is \$ FOIA EXL I am a GS-15 employee.
5. The basis for compensation (e.g., fee, per diem, per annum, etc.): The salary is the same as that paid to other adjunct faculty. This would be my fourth time teaching this class.
6. The service will be performed entirely outside of normal duty hours. I may take annual leave or use credit hours in order to get to class by 6:00 PM.
7. The person to or for whom services would be provided does not hold any EPA assistance agreements or contracts, to my knowledge.

[Request of FOIA EX-6 continued]

8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

9. I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

Concurred by Marcy A. Foxey Date: Jan 22, 2009  
Ethics Attorney (ORC)

Approved by Robert A. Kaplan Date: 1-22-09  
Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or federal regulation, including 5 C.F.R. Part 2635 and § 6401.102, as required by 5 C.F.R. § 6401.103.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

February 6, 2008

MEMORANDUM

SUBJECT: Request for Approval for Outside *Employment/Activity* pursuant to 5 C.F.R. § 6401.103.

FROM: ~~FOIA EXEMPTION 6~~ Chief ~~FOIA EXEMPTION 6~~  
Multi-Media Branch I

TO: Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

Pursuant to 5 C.F.R. § 6401.103, I hereby request approval for outside employment and state the following in support of this request.

1. ~~EX. 6~~ University ~~FOIA EX. 6~~ has asked me to teach a one-time-only 6-hour class on administrative law, which I have entitled "Interacting with Federal Agencies: What Every Paralegal should Know." ~~FOIA EX. 6~~ offers several continuing education courses; this particular course is geared towards paralegals. I will cover basic administrative law principles in the morning, and then focus on the Freedom of Information Act in the afternoon. The course will be held Saturday, May 3, 2008, from 9:00 AM to 4:00 PM. The course announcement is attached.
2. The name and business of the person or organization for which the work will be done: University, ~~FOIA EX. 6~~ Campus, ~~FOIA EXEMPTION 6~~ ~~FOIA EXEMPTION 6~~
3. The estimated amount of time to be devoted to the activity: 40 hours.
4. The amount of compensation expected is \$ ~~EX. 6~~ I am a GS-15 employee.
5. The basis for compensation (e.g., fee, per diem, per annum, etc.): One-time salary payment. ~~FOIA EX. 6~~ approached me for this because of my prior (approved) outside teaching activities at ~~FOIA EX. 6~~ from 2003 through 2006.
6. The service will be performed entirely outside of normal duty hours. I may take annual leave in order to prepare the course materials.
7. The person to or for whom services would be provided does not hold any EPA assistance agreements or contracts, to my knowledge.
8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

[Request of ~~for an exemption~~ continued]

9. I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

Concurred by Marcia Tracy Date: Feb 11, 2008  
Ethics Attorney (ORC)

Approved by Robert A. Kaplan Date: 2/11/08  
Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or federal regulation, including 5 C.F.R. Part 2635 and § 6401.102, as required by 5 C.F.R. § 6401.103.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

February 6, 2008

MEMORANDUM

SUBJECT: Request for Approval for Outside *Employment/Activity* pursuant to 5 C.F.R. § 6401.103.

FROM: FOIA exemption C, Chief FOIA exemption C  
Multi-Media Branch I

TO: Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

Pursuant to 5 C.F.R. § 6401.103, I hereby request approval for outside employment and state the following in support of this request.

1. EX. 6 University FOIA EX 6 has asked me to teach for the fifth time an environmental law class to graduate students at the School FOIA EX 6. The course I would teach is a 2-credit-hour survey of the environmental statutes geared to paralegals. Classes are scheduled from 6:00 p.m. to 9:00 p.m. and meet on Thursday nights for eight weeks. The term starts March 20, 2008, and ends May 8, 2008. The April 10 class will be scheduled on an alternate night due to the Easter break. I would be an "Instructor" on FOIA EXEMPTION C campus. For a full course schedule, see attached.

2. The name and business of the person or organization for which the work will be done: FOIA EX 6 University, FOIA EX 6 Campus FOIA EXEMPTION C

3. The estimated amount of time to be devoted to the activity: I estimate I will spend approximately 5 hours each week preparing for class. Classes are 3 hours each. Grading the final exam will take approximately 8 hours.

4. The amount of compensation expected is approximately \$ EX 6. I am a GS-15 employee.

5. The basis for compensation (e.g., fee, per diem, per annum, etc.): The salary is the same as that paid to other adjunct faculty.

6. The service will be performed entirely outside of normal duty hours. I may take annual leave or use credit hours in order to get to class by 6:00 PM.

7. The person to or for whom services would be provided does not hold any EPA assistance agreements or contracts, to my knowledge.

[Request of FOIA exemption, continued]

8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

9. I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

Concurred by Marcia Incey  
Ethics Attorney (ORC)

Date: Feb 11, 2008

Approved by Robert A. Kaplan  
Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

Date: 2/11/08

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or federal regulation, including 5 C.F.R. Part 2635 and § 6401:102, as required by 5 C.F.R. § 6401.103.

March 15, 2007

**MEMORANDUM**

SUBJECT: Approval of Outside Employment

FROM: FOIA EXEMPTIONS Chief  
Multi-Media Branch I

TO: Robert A. Kaplan  
Acting Regional Counsel

This memo is directed to you as the Deputy Ethics Official, requesting approval of outside employment pursuant to 5 C.F.R. § 6401.103.

For four years, I have taught environmental law to graduate paralegal students at the School of Law at FAU University. Through that connection, FOIA EXEMPTIONS of FAU EXEMPTIONS recently contacted me about a proposed new textbook, "Environmental Law for Paralegals," by FOIA EXEMPTIONS asked me to review and comment (by April 9, 2007) on the table of contents and a few sample chapters. I would receive no compensation for this work.

As you know, my current grade is GS-15. I estimate that I will spend approximately 8 hours to review and comment on approximately 120 pages of the book. All work will take place entirely outside of normal duty hours. I will use no official duty time or government property, resources or facilities not available to the general public in connection with the outside employment. I am familiar with the ethical requirements and restrictions contained in 5 C.F.R. Part 2635 and § 6401.102. I am not aware of any U.S. EPA assistance agreements or grants held by FAU EXEMPTIONS University or FOIA EXEMPTIONS.

If you approve of this request, please sign below and return this memo to me. If you disapprove, please let me know and we can discuss your concerns. Thank you very much.

Approved:

\_\_\_\_\_  
Robert A. Kaplan

\_\_\_\_\_  
Date

cc: Nola Hicks

NA 3/20/07



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

AUG 15 2005

REPLY TO THE ATTENTION OF

MEMORANDUM

SUBJECT: Approval of Outside Employment

FROM: ~~FOIA EXEMPTION~~ Chief  
Multi-Media Branch I ~~FOIA EXEMPTION~~

TO: Bertram C. Frey  
Acting Regional Counsel

This memo is directed to you as the Deputy Ethics Official, requesting approval of outside employment pursuant to 5 C.F.R. § 6401.103.

As you know, my current grade is GS-15. ~~FOIA EX~~University has asked me to teach for the fourth time an environmental law class to graduate students at the School ~~FOIA EXEMPTION~~. The course I would teach is a 2-credit-hour survey of the environmental statutes. Classes are scheduled from 6:00 p.m. to 9:00 p.m. and meet on Wednesday nights (and one Friday) for seven weeks. The term starts August 30, 2006, and ends October 11, 2006. I will be paid approximately \$ as an "Instructor" on ~~FOIA EXEMPTION~~ campus, ~~FOIA EXEMPTION~~. Exact salary is not yet finally determined, but will be determined shortly.

I estimate that, in addition to the class time, I will spend approximately 5 hours per week preparing. All preparation and class time will take place entirely outside of normal duty hours. I will use no official duty time or government property, resources or facilities not available to the general public in connection with the outside employment. I am familiar with the ethical requirements and restrictions contained in 5 C.F.R. Part 2635 and § 6401.102. I am not aware of any U.S. EPA assistance agreements or grants held by ~~FOIA EX~~University.

If you approve of this request, please sign below and return this memo to me. If you disapprove, please let me know and we can discuss your concerns. Thank you very much.

Approved:

Bertram C. Frey

Date

cc: Marcy Toney



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUL 07 2004

REPLY TO THE ATTENTION OF

MEMORANDUM

SUBJECT: Approval of Outside Employment

FROM: FOIA exemption Chief  
Multi-Media Branch I FOIA exemption 6 EX6

TO: Bertram C. Frey  
Acting Regional Counsel

This memo is directed to you as the Deputy Ethics Official, requesting approval of outside employment pursuant to 5 C.F.R. § 6401.103.

As you know, my current grade is GS-15. EX6 University has asked me to teach for the second time an environmental law class to graduate students at their School FOIA exemption 6. The course I would teach is a 2-credit-hour survey of the environmental statutes. Classes are scheduled from 5:50 p.m. to 9:00 p.m. and meet on Tuesday nights for eight weeks. The term starts August 24, 2004, and ends October 12, 2004. I will be paid approximately \$EX6 as a "Lecturer" on FOIA exemption 6 campus, FOIA exemption 6.

I estimate that, in addition to the class time, I will spend approximately 5 hours per week preparing. All preparation and class time will take place entirely outside of normal duty hours. I will use no official duty time or government property, resources or facilities not available to the general public in connection with the outside employment. I am familiar with the ethical requirements and restrictions contained in 5 C.F.R. Part 2635 and § 6401.102. I am not aware of any U.S. EPA assistance agreements or grants held by FOIA EX6 University.

If you approve of this request, please sign below and return this memo to me. If you disapprove, please let me know and we can discuss your concerns. Thank you very much.

Approved:

Bertram C. Frey

July 08, 2004  
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

AUG 09 2005

**MEMORANDUM**

SUBJECT: Approval of Outside Employment

FROM: FOIA EX 6, Chief  
Multi-Media Branch I FOIA EXEMPTION 6 EX 6

TO: Bertram C. Frey  
Acting Regional Counsel

This memo is directed to you as the Deputy Ethics Official, requesting approval of outside employment pursuant to 5 C.F.R. § 6401.103.

As you know, my current grade is GS-15. FOIA EX 6 University has asked me to teach for the third time an environmental law class to graduate students at the School FOIA EXEMPTION 6. The course I would teach is a 2-credit-hour survey of the environmental statutes. Classes are scheduled from 6:00 p.m. to 9:00 p.m. and meet on Wednesday nights (and one Friday) for seven weeks. The term starts August 31, 2005, and ends October 12, 2005. I will be paid approximately \$5000 as an "Instructor" or FOIA EXEMPTION 6 campus, FOIA EXEMPTION 6. Exact salary is not yet finally determined, but will be determined shortly.

I estimate that, in addition to the class time, I will spend approximately 5 hours per week preparing. All preparation and class time will take place entirely outside of normal duty hours. I will use no official duty time or government property, resources or facilities not available to the general public in connection with the outside employment. I am familiar with the ethical requirements and restrictions contained in 5 C.F.R. Part 2635 and § 6401.102. I am not aware of any U.S. EPA assistance agreements or grants held by FOIA EX 6 University.

If you approve of this request, please sign below and return this memo to me. If you disapprove, please let me know and we can discuss your concerns. Thank you very much.

Approved:

Bertram C. Frey

August 09, 2005  
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

MEMORANDUM

APR 09 2003

SUBJECT: Approval of Outside Employment  
FROM: FOIA EXEMPTION 6  
FOIA EX. 6 Acting Chief  
Multi-Media Branch I  
TO: David A. Ullrich  
Acting Regional Counsel

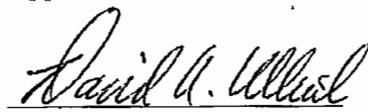
This memo is directed to you as the Deputy Ethics Official, requesting approval of outside employment pursuant to 5 C.F.R. § 6401.103.

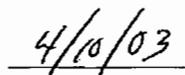
As you know, my current grade is GS-15. EX. 6 University has asked me to teach an environmental law class to graduate students at their FOIA EXEMPTION 6 campus. The course I would teach is a 3-credit-hour survey of the environmental statutes. Classes are scheduled from 5:50 p.m. to 9:00 p.m. and meet on Wednesday nights for 12 weeks. The term starts May 21, 2003, and ends August 6, 2003. I will be paid \$1800 as a "Lecturer" on FOIA EXEMPTION 6 campus.

I estimate that, in addition to the class time, I will spend approximately 5 hours per week preparing. All preparation and class time will take place entirely outside of normal duty hours. I will use no official duty time or government property, resources or facilities not available to the general public in connection with the outside employment. I am familiar with the ethical requirements and restrictions contained in 5 C.F.R. Part 2635 and § 6401.102. I am not aware of any U.S. EPA assistance agreements or grants held by EX. 6 University.

If you approve of this request, please sign below and return this memo to me. If you disapprove, please let me know and we can discuss your concerns. Thank you very much.

Approved:

  
David A. Ullrich

  
Date

MEMORANDUM

SUBJECT: Request for Approval for Outside *Employment/Activity* pursuant to 5 CFR 6401.103.

FROM: FOIA EXEMPTION 6  
Associate Regional Counsel – GS-14

THRU: Sandra Lee  
Section Chief

TO: Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

Pursuant to 5 CFR 6401.103, I hereby request approval for outside employment and state the following in support of this request.

1. The nature of the outside activity, including a full description of the services to be performed:

Real estate property management and related real estate/corporate/not for profit legal counsel, and ancillary tax, accounting and legal services. Professional services include: preparation of annual registration forms, tax counsel, budgeting, bookkeeping, collections, liens, counsel on bylaws, articles and corporate document amendments, pending and anticipated litigation, landlord/tenant matters, tort liability matters, property liability matters, contract and employment law issues, succession planning and implementation, and managing contracts with third parties.

2. The name and business of the person or organization for which the work will be done:

FOIA EX 6 (FOIA EX 6), FOIA EX 6, FOIA EX 6, FOIA EX 6, FOIA EX 6  
FOIA EXEMPTION 6 IS FOIA EXEMPTION 6

3. The estimated amount of time to be devoted to the activity:  
15 hrs / week of direct time, including weekends.

Time can be broken down as follows:

2 hrs/week: administrative; 10 hrs/week: tax, accounting and legal; 32/year: board membership business;

4. The amount of compensation expected:

\$ FOIA EX 6 year - Rental fees of \$ EX 6, from Property 1 : EX 6 month; Property 2: EX 6 month; Property 3: EX 6 month. Fees for management of property: \$ EX 6; Fees related to tax, accounting and legal work: \$ EX 6

5. The basis for compensation (e.g., fee, per diem, per annum, etc.):  
Rents and fees.

6. The service will be performed entirely outside of normal duty hours.

7. The person to or for whom services would be provided **does not** hold any EPA assistance agreements or contracts.

8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment, *including, but not limited to, any Government computer, email, or resource system or service.*

9. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.

*RAT*  
*11/20/12*

Approved by *[Signature]*  
Supervisor

Date: 9-16-11

Approved by *[Signature]*  
Branch Chief (If you are in a Branch).

Date: 11/8/12

Concurred by *[Signature]*  
Ethics Attorney (ORC)

Date: 11/20/12

Approved by *[Signature]*  
Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

Date: 11/20/12

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and 6401.102, as required by 5 CFR 6401.103.

**5 CFR 6401.103 -- Prior approval for outside employment.**

(a) Requirement for approval. An employee shall obtain approval from his or her Deputy Ethics Official before engaging in outside employment, with or without compensation, that involves:

- (1) Consulting services;
- (2) The practice of a profession as defined in 5 CFR 2636.305(b)(1);
- (3) Holding State or local public office;
- (4) Subject matter that deals in significant part with the policies, programs or operations of EPA or any matter to which the employee presently is assigned or to which the employee has been assigned during the previous one-year period; or
- (5) The provision of services to or for:
  - (i) An EPA contractor or subcontractor;
  - (ii) The holder of an EPA assistance agreement or subagreement; or
  - (iii) A firm regulated by the EPA office or Region in which the employee serves.

(b) Form and content of request. The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor (for the supervisor's information) and shall include:

- (1) Employee's name, title and grade;
- (2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;
- (3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);
- (4) The estimated time to be devoted to the activity;
- (5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);
- (6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;
- (7) The basis for compensation (e.g., fee, per diem, per annum, etc.);
- (8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102; and
- (9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

(c) Standard for approval. Approval shall be granted only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and 6401.102. The decision must be in writing.

(d) Keeping the record up-to-date. If there is a change in the nature or scope of the duties or services performed or the nature of the employee's business, the employee must submit a revised request for approval. Where an employee transfers to an organization for which a different Deputy Ethics Official has responsibility, the employee must obtain approval from the new Deputy Ethics Official. In addition, each approved request is valid only for five years unless the employee's Deputy Ethics Official specifies a longer time period.

(e) Definition of employment. For purposes of this section, "employment" means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher, or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organizations, unless such activities are for compensation other than reimbursement for expenses.

MEMORANDUM

SUBJECT: Request for Approval for Outside *Employment/Activity* pursuant to 5 CFR 6401.103.

FROM: FOIA EXEMPTION 6  
Associate Regional Counsel, GS-14

THRU: Sandra Lee  
Section Chief, MM2-4

TO: Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

Pursuant to 5 CFR 6401.103, I hereby request approval for outside employment and state the following in support of this request.

1. The nature of the outside activity, including a full description of the services to be performed:

Part-time adjunct faculty position teaching advanced legal writing (Legal Writing IV - environmental law) for Spring 2014. The Spring 2014 term begins the week of January 13 and ends May 19. Classes are expected to meet one or two evenings per week, from 6pm until 7:30pm for a total of 3 hours per week of class time, plus an additional 2 hours per week of grading time. Classes are held at the FOIA EXEMPTION 6 College of Law, FOIA EXEMPTION 6  
FOIA EX 6

2. The name and business of the person or organization for which the work will be done:

FOIA EXEMPTION 6 FOIA EX 6 College of Law.

3. The estimated amount of time to be devoted to the activity:

Five hours per week.

4. The amount of compensation expected:

\$ FOIA EX 6

5. The basis for compensation (e.g., fee, per diem, per annum, etc.):

Flat fee - honorarium.

6. The service will be performed entirely outside of normal duty hours.

7. The person to or for whom services would be provided does not hold any EPA assistance

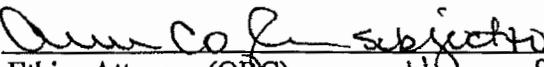
agreements or contracts.

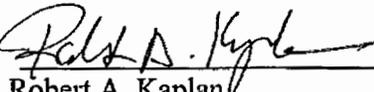
8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

9. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.

Approved by  Date: 12.03.13  
Supervisor

Approved by Jane M. Lake for ERIC COHEN Date: 12.10.13  
Branch Chief (If you are in a Branch).

Concurred by  subject to Date: 12/13/13  
Ethics Attorney (ORC) attached memo

Approved by  Date: 12/14/13  
Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and 6401.102, as required by 5 CFR 6401.103.

MEMORANDUM

TO: FOIA EXEMPTION 6  
Associate Regional Counsel

FROM: Ann L. Coyle <sup>ACC</sup>  
Assistant Deputy Ethics Official

RE: Outside Employment/Adjunct Professor

DATE: December 13, 2013

You have requested advice with respect to your proposal to teach an advanced legal writing course at the ~~FOIA exemption~~ College of Law (EX6). As a general matter, such a proposal can be approved, so long as your activity does not violate any statute or federal regulation, particularly the Standards of Ethical Conduct for Employees of the Executive Branch (5 C.F.R. Part 2635). The federal ethics laws and regulations applicable to this type of outside activity are summarized as follows:

- An employee of the executive branch generally is prohibited from receiving compensation from any source other than the federal government for teaching, speaking or writing that relates to the employee's official duties (which includes any ongoing or announced policy program or operation of the Agency); however, an employee may receive compensation for teaching a course, if the course requires multiple presentations by the employee and is offered as part of the regularly established curriculum of an institution of higher education as defined at 20 U.S.C. § 1141(a). 5 C.F.R. § 2635.807(a)(3)(i)(A).
- An employee of the executive branch is prohibited from acting as an agent "for prosecuting any claim against the United States" or from acting as an agent before any department, agency or court in connection with "any covered matter in which the United States is a party or has a direct and substantial interest." The term "covered matter" includes any judicial or other proceeding, claim or controversy. This statute prohibits you from acting as an agent for any party in a matter in which the United States is a party or has a direct and substantial interest. 18 U.S.C. § 205. In addition, 18 U.S.C. § 203(a) prohibits similar representational activities when performed for compensation. You cannot represent EX6 back to EPA, including in matters that relate to the course you will be teaching.
- An employee of the executive branch is prohibited from participating personally and substantially in an official capacity in any "particular matter" in which she (or any person whose interests are imputed to him<sup>1</sup>) has a financial interest, if the particular matter will

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<sup>1</sup> The financial interests of the following persons are imputed to the federal employee: the employee's spouse, the employee's minor child; the employee's general partner; an organization or entity which the employee serves as officer, director, trustee, general partner or employee; and

have a direct and predictable effect on that interest. 18 U.S.C. § 208(a) and 5 C.F.R. § 2635.402. You should contact me immediately if there is a potential for you to work on any matter here at EPA involving ~~EX~~ so that we can determine if that matter will have a direct and predictable effect on ~~EX~~'s financial interests. You should notify your supervisor of your potential financial conflict of interest in matters involving ~~FOIA EX~~

- An employee should not participate in a particular matter involving specific parties that she knows is likely to affect the financial interests of a member of his household, or in which she knows a person with whom she has a "covered relationship" is or represents a party, if she determines that a reasonable person with knowledge of the relevant facts would question his impartiality in the matter. 5 C.F.R. §§ 2635.501 and 502. An employee has a "covered relationship" with a person with whom she has or seeks a business, contractual or other financial relationship, a member of his household, and a person for whom the employee has served as an employee, among others. 5 C.F.R. § 2635.502(b)(1). These regulations prohibit you from working as an EPA employee on any matter involving these various entities or individuals with whom you have a personal or business relationship, including ~~FOIA EX~~
- An employee cannot use his public office for his own private gain, for the endorsement of any product, service or enterprise, or for the private gain of friends, relatives or persons with whom the employee is affiliated in a nongovernmental capacity and persons with whom the employee has or seeks employment or business relations. 5 C.F.R. § 2635.702. This regulation prohibits you from using your EPA position or title to promote your private teaching endeavors.
- An employee may not use his government position or title or any authority associated with his public office in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to himself or to friends, relatives or persons with whom the employee is affiliated in a nongovernmental capacity. 5 C.F.R. § 2635.702(a).
- An employee may not use his government position or title or any authority associated with his public office in a manner that could reasonably be construed to imply that his agency or the government sanctions or endorses his personal activities or those of another. 5 C.F.R. § 2635.702(b).
- An employee may include or permit the inclusion of his title or position as one of several biographical details when such information is given to identify him connection with his teaching, provided that his title or position is given no more prominence than other significant biographical details (the rule of thumb is that reference to EPA must be one of at least three details). 5 C.F.R. § 2635.807(b)(1). An employee must also make it clear that the views he expresses in the class do not necessarily represent the views of the Agency.

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a person with whom the employee is negotiating for or has an arrangement concerning prospective employment. 5 C.F.R. § 2635.402(b)(2).

- An employee must use government property and his official time only for authorized purposes. 5 C.F.R. §§ 2635.704 and 705. You cannot prepare for or conduct your business while you are on official duty nor can you use government equipment or the services of other EPA employees who are on duty to prepare for or conduct your business. See EPA's *Policy on Limited Personal Use of Government Equipment*.
- An employee may not serve as an expert witness with or without compensation on behalf of a party (other than the United States) in any proceeding in which the U.S. has a "direct and substantial" interest unless specifically authorized by the agency. 5 C.F.R. § 2635.805.

As I have indicated above, your request for prior approval to teach an advanced legal writing course at <sup>FOIA</sup>~~ex~~ likely will be approved.

Please note that since you will receive more than \$200 in income from this activity, **you will be required to report the source of the income and your position on your OGE Form 450, Confidential Financial Disclosure Form.**

Please do not hesitate to contact me (6-2248) if you have any questions.

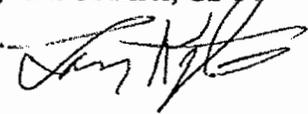
## REQUEST FOR APPROVAL OF OUTSIDE EMPLOYMENT

### MEMORANDUM

SUBJECT: Request for Approval for Outside Employment Pursuant to 5 CFR 6401.103.

FROM: FOIA EXEMPTION 6  
Associate Regional Counsel, GS 14

THRU: Larry Kyte  
Section Chief



TO: Bertram C. Frey  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

Pursuant to 5 CFR 6401.103, I hereby request approval for outside employment and state the following in support of this request.

1. The nature of the outside activity, including a full description of the services to be performed:

I am requesting permission to serve as a volunteer attorney with FOIA EXEMPTION 6 c ((EX. 6)). EX. 6 is a nonprofit organization that provides free legal services in the areas of family law, housing law and criminal law. EX. 6 provided 8250 hours of volunteer services to 1836 clients in 2006. Volunteer attorneys conduct client intake interviews and handle or assist with cases on a pro bono basis. Volunteer attorneys commit to participate in six client intake sessions, taking place on Thursday or Friday afternoon. Volunteer attorneys may have the opportunity to take on a case, including litigating a case, while working under the supervision of a EX. 6 staff attorney. Therefore, besides being able to provide a valuable legal service to persons in need, any litigation opportunity that I would have would enhance my skills and make me more valuable to the agency. EX. 6 does not represent clients in federal cases.

2. The name and business of the person or organization for which the work will be done:

FOIA EXEMPTION 6

3. The estimated amount of time to be devoted to the activity: varied, estimated 5-25 hours per month.

4. The amount of compensation expected: No compensation; work done on a voluntary basis.

5. The basis for compensation (e.g., fee, per diem, per annum, etc.): No compensation

6. The service will be performed entirely outside of normal duty hours:

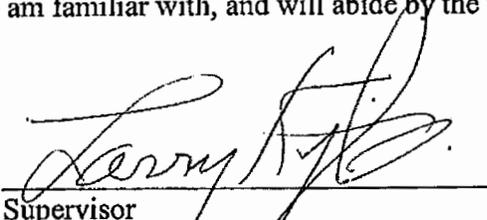
Because I am on the Maxiflex schedule, I anticipate that I will be able to perform any activities while on "flex time," even though some activities may be during "core hours." Because of Maxiflex, I anticipate that if I need to take any annual leave time, it will be minimal.

7. The person to or for whom services would be provided does not hold any EPA assistance agreements or contracts.

8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

9. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.

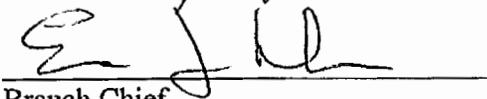
Approved by

  
Supervisor

Date:

2-8-07

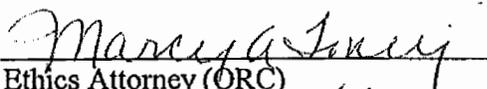
Approved by

  
Branch Chief

Date:

2/14/07

Concurred by

  
Ethics Attorney (ORC)

Date:

2/14/07

*(see email attached)*

Approved by

  
Bertram C. Frey

Date:

2/15/2007

Deputy Ethics Official  
Office of Regional Counsel, Region 5

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and 6401.102, as required by 5 CFR 6401.103.

Marcy Toney/R5/USEPA/US  
02/14/2007 02:27 PM

To  
Subject request for approval of pro bono activity

FOIA EXEMPTION 6

You have requested approval to participate in an outside activity, that being the representation of clients at the FOIA EXEMPTION 6. You state that your cases may involve family law, housing law and criminal, but will not include federal cases. I will be recommending approval of this activity, and am also advising you of certain statutes and regulations that may be implicated by pro bono work:

- (1) 18 USC 205 generally prohibits a federal employee for representing anyone in connection with a claim against the United States or representing anyone before any department, agency or court in connection with any covered matter in which the U.S. is a party or has a direct and substantial interest;
- (2) You should be aware of the "Limited Personal Use Policy" <http://intranet.epa.gov/rmpolicy/ads/orders/2100.3A1.pdf> which explains in what circumstances you can use government resources (ie, computer, phone, etc) for non-government activity;
- (3) 5 CFR 2635.502 prohibits you from participating in a matter as a government attorney if you know that a person with whom you have a "covered relationship" is or represents a party to such matter. You would have a "covered relationship" with any clients at FOIA EKL
- (4) 5 CFR 2635.702 prohibits you from using your Government position or title "or any authority associated with [your] public office in a manner that could reasonably be construed to imply that [your] agency or the Government sanctions or endorses [your] personal activities or those of another."
- (5) 5 CFR 2635.802 prohibits you from engaging in an outside activity that would require your disqualification from matters "so central or critical to the performance of [your] official duties that your ability to perform [your] duties would be materially impaired."
- (6) 5 CFR 2635.101(b)(14) requires that you avoid any actions that would create the appearance that you are violating the law or any ethical standards.

Please call me or Nola Hicks if you have any questions. And good luck with your pro bono work!

--Marcy

Marcy A. Toney  
Office of Regional Counsel  
USEPA Region V (C-14J)  
77 West Jackson Blvd.  
Chicago, IL 60604-3590  
(312) 886-3186  
(312) 886-0747 (fax)

This message, including attachments, contains information that is confidential, and may be protected by attorney work-product, attorney-client or other applicable privileges. Further, this message, including attachments, may be exempt from disclosure by the U.S. EPA under applicable law. This message, including attachments, is intended to be conveyed only to the named recipient(s). If you received this message in error, or if you are not the intended recipient, please notify the sender listed above and delete the message from your system immediately. The unauthorized use, dissemination, distribution or reproduction of this message, including attachments, by unintended recipients is prohibited and may be unlawful.

September 20, 2012

MEMORANDUM

SUBJECT: Request for Approval for Outside Employment/Activity pursuant to 5 CFR 6401.103

FROM: FOIA EXEMPTION 6 and FOIA EXEMPTION 1 /  
Associate Regional Counsel (Grade 15)

THRU: Stephen Mendoza, Chief  
Section 2, Multi-Media Branch I  
Office of Regional Counsel, Region 5

TO: Robert Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

Pursuant to 5 CFR 6401.103, I hereby request approval for outside employment and state the following in support of this request:

1. The nature of the outside activity, including a full description of the services to be performed:

I will work as an attorney assisting attorneys with the FOIA EXEMPTION 6, an EXC is not-for-profit corporation, in their representation of state capital inmates in state and federal post-conviction proceeding challenging their convictions and death sentences. I had previously done similar work for a number of years, with approval in accordance with 5 CFR 6401.103, but have not done any such work in the past year. I will not be lead attorney, filing any appearances, signing any pleadings, or appearing in court in any of these cases. Instead, my work will consist of legal research and legal writing on discrete issues, which the attorneys for the FOIA EXEMPTION 6 will utilize for various purposes in the course of representing their clients.

2. The name and business of the person or organization for which the work will be done:

FOIA EXEMPTION 6  
FOIA EXEMPTION 6

3. The estimated amount of time to be devoted to the activity:

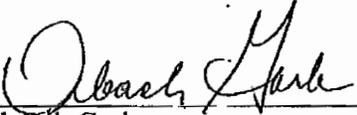
I estimate I will work no more than 100 hours per year.

4. The amount of compensation expected:

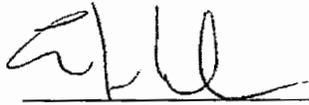
The compensation will be approximately \$50 per hour.

f. The assistance agreements or contracts involved if the outside employment will include consulting or professional services to institutions which have or may seek federal assistance agreements or contracts:

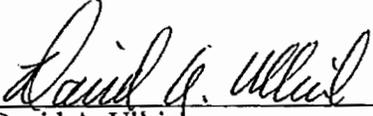
I am not aware of any such federal assistance agreements or contracts. The scope of my employment with ~~FOIA ex 0~~ t does not include services related to seeking such agreements or contracts.

  
\_\_\_\_\_  
Deborah Garber  
Section Chief

Approval    Disapproval

  
\_\_\_\_\_  
Eric J. Cohen  
Branch Chief

Approval    Disapproval

  
\_\_\_\_\_  
David A. Ullrich  
Acting Regional Counsel  
Deputy Ethics Official

Approval    Disapproval

4. The amount of compensation expected:

All services will be provided voluntarily – there will be no compensation.

5. The basis for compensation (e.g., fee, per diem, per annum, etc.):

All services will be provided voluntarily – there will be no compensation.

6. The service will not be performed entirely outside of normal duty hours. Estimate the number of hours of absence from work required:

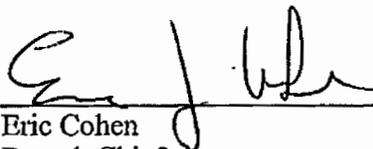
The legal services may occasionally require a court appearance in the ~~FOIA EXC 6~~ Circuit Courts during normal duty hours. I estimate that such appearances will require no more than five hours per month during normal duty hours. Proper leave will be obtained before for any absence from normal duty hours.

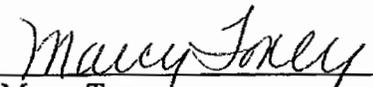
7. The person to or for whom services would be provided would not hold any EPA assistance agreements or contracts.

8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

9. I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R part 2635 (Standards of Ethical Conduct for Employees of the Executive Branch), and 5. C.F.R. part 6401 (Supplemental Standards of Ethical Conduct for Employees of the Environmental Protection Agency).

Approved by \_\_\_\_\_ Date: \_\_\_\_\_  
Janice Loughlin  
Supervisor

Approved by  \_\_\_\_\_ Date: 9/13/07  
Eric Cohen  
Branch Chief

Concurred by  \_\_\_\_\_ Date: 4/20/07  
Marcy Toney  
Ethics Attorney (ORC)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

MEMORANDUM

SUBJECT: Request for Approval for Outside Employment/Activity in Accordance with 5 C.F.R. § 6401.103.

FROM: FOIA exemption 6  
Attorney, GS-14

THRU: Janice Loughlin  
Section Chief

TO: Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

DATE: April 12, 2007

I hereby request approval for outside employment and state the following in support of this request in accordance with 5 C.F.R. § 6401.103.

1. The nature of the outside activity, including a full description of the services to be performed:

I am seeking approval to volunteer for the FOIA exemption 6 as a volunteer with the FOIA exemption 6 would offer pro bono legal services to low income individuals. These legal services could include family law (e.g., guardianships, adoptions, divorce, custody, visitation, child support), torts (e.g., personal injury, property damage), real estate (e.g., evictions, foreclosures, building code violations, deeds), consumer matters (e.g., contracts, repossessions, attachment and/or garnishment by creditors), wills, probate, powers of attorney, drivers license suspensions, and incorporations. All matters which require judicial resolution would be handled in the Circuit Court of EXL.

2. The name and business of the person or organization for which the work will be done:

FOIA exemption 6  
FOIA exemption 6

3. The estimated amount of time to be devoted to the activity:

On average less than five hours per week.

5. The basis for compensation (e.g., fee, per diem, per annum, etc.):

*Not applicable*

6. The service will not be performed entirely outside of normal duty hours, especially as pertains to aspects of my current position as Children's Health Program Manager, such as building capacity of healthcare providers and environmental public health professionals for children's environmental health.

7. The person to or for whom services would be provided may hold any EPA assistance agreements or contracts.

[Identify any EPA assistance agreements or contracts held by the person to or for whom services would be provided.]

*The University ~~For~~ may receive funds from EPA for various research grants, but as I am not receiving any compensation, I would not be paid from any such grants. In addition, I do not participate in any matters affecting grants to the University.*

8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

9. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.

Approved by *[Signature]* Date: *5/16/07*  
Supervisor

Approved by *N/A* Date:  
Branch Chief (If you are in a Branch).

Concurred by *Marilyn Joney* Date: *5/22/07*  
Ethics Attorney (ORC) *(see email attached)*

Approved by *[Signature]* Date: *5/29/07*  
Bharat Mathur  
Deputy Ethics Official  
Region 5

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and 6401.102, as required by 5 CFR 6401.103.

MAY 14 2007

(D-8J)

MEMORANDUM

DATE:

SUBJECT: Request for Approval for Outside *Employment/Activity* pursuant to 5 CFR 6401.103.

FROM: FOIA EXEMPTION 6  
FOIA EXEMPTION 6  
Environmental Health Scientist, GS-14

THRU: Margaret Guerriero  
Director, Waste Pesticides and Toxics Division

TO: Bharat Mathur  
Deputy Ethics Official  
Region 5

Pursuant to 5 CFR 6401.103, I hereby request approval for outside employment and state the following in support of this request.

1. The nature of the outside activity, including a full description of the services to be performed:

*I would like to continue serving in a position of adjunct assistant professor in the Environmental and Occupational Health Sciences Division, School of FOIA EX 6 at the University of FOIA EX 6. Services I currently perform (since previously approved in 1999) and expect to continue to provide are periodic lectures for graduate classes on risk assessment, risk management, risk policy and children's environmental health, and service on examining committees for graduate students. All of these activities would take place on an occasional basis. Future services may include teaching part or all of a new or established course, if my supervisor at EPA approves.*

2. The name and business of the person or organization for which the work will be done: [In cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months.]

*Environmental and Occupational Health Sciences is a division of the School of FOIA EX 6 within the University of FOIA EXEMPTION 6*

3. The estimated amount of time to be devoted to the activity:

*Lectures are generally 1.5 -2 hours in length. I might be asked to give 1 or 2 lectures per year.*

4. The amount of compensation expected:

*None*

Approved by Mardi Klein  
Supervisor

Date: 10-21-09

Approved by [Signature]  
Division Director

Date: 10-26-09

Concurred by Marcy A. Incey  
Ethics Attorney (ORC)

Date: 10-27-09

Approved by Walter W. Kovalick  
Walter W. Kovalick  
Deputy Ethics Official  
Region 5

Date: 10/28/09

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and 6401.102, as required by 5 CFR 6401.103.

MEMORANDUM

SUBJECT: Request for Approval for Outside Employment/Activity pursuant to 5 CFR 6401.103.

FROM: FOIA EXEMPTION 6 Environmental Health Scientist GS-14

FOIA EX. 6 10/21/09

THRU: Mardi Klevs *Mardi Klevs*  
Chief, Chemicals Management Branch, LCD

TO: Walter W. Kovalick  
Deputy Ethics Official  
Region 5

Pursuant to 5 CFR 6401.103, I hereby request approval for outside employment and state the following in support of this request.

1. The nature of the outside activity, including a full description of the services to be performed:  
Adjunct Instructor – Co-Instructor for an Environmental Health Course scheduled for Spring 2010
2. The name and business of the person or organization for which the work will be done:  
FOIA EX. 6 University, College of Medicine, FOIA EXEMPTION 6
3. The estimated amount of time to be devoted to the activity:  
Approximately 6 hours per week
4. The amount of compensation expected:  
Approximately \$ FOIA EX. 6
5. The basis for compensation (e.g., fee, per diem, per annum, etc.):  
Per semester – the course will offered once per year
6. It is anticipated that the service will be performed entirely outside of normal duty hours.
7. To the best of my knowledge, the person to or for whom services would be provided does not hold any EPA assistance agreements or contracts.
8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.
9. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

MEMORANDUM

NOV 10 2009

REPLY TO THE ATTENTION OF:

SUBJECT: Request for Approval for Outside Activity Pursuant to 5 CFR 6401.103.

FROM: FOIA EXEMPTION 6  
Associate Regional Counsel; GS-14

*FOIA etc 11/10/2009*

THRU: Stephen Mendoza  
Section Chief, Section-II, Multi-Media Branch

*Stephen Mendoza Nov-10, 2009*

TO: Robert Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

Pursuant to 5 CFR 6401.103, I hereby request approval for outside employment and state the following in support of this request.

1. The nature of the outside activity, including a full description of the services to be performed:

Law school lecture on the history of the landmark federal case *United States v. John A. Rapanos, et al. (E.D. MI)* and a general discussion of post-*Rapanos* jurisdiction under the Clean Water Act.

2. The name and business of the person or organization for which the activity will be done {in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months}:

FOIA EX 6 University School of Law  
FOIA EXEMPTION 6  
FOIA EXEMPTION 6

3. The estimated amount of time to be devoted to the activity:

1 hour presentation and 3 hours of driving on November 18, 2009.

4. The amount of compensation expected:

None

5. The basis for compensation (e.g., fee, per diem, per annum, etc.):

Not applicable.

6. The service will be performed entirely outside of normal duty hours.

Correct.

7. The person to or for whom services would be provided does not hold any EPA assistance agreements or contracts.

Correct.

8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

Correct.

9. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.

Approved by *Stephen Mendez* Date: *Nov. 10, 2009*  
Supervisor

Approved by *T. L. ...* Date: *11/10/09*  
Branch Chief (If you are in a Branch).

Approved by *Robert A. Kaplan* Date: *11-17-09*  
Robert Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and 6401.102, as required by 5 CFR 6401.103.

*11/12/09*  
*I concur.*  
*MAToney 11/2/09*  
*Discussed ethics rules + use of nonpublic info w/ FAIR EX. 16*



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

MEMORANDUM

SUBJECT: Request for Approval for Outside Activity Pursuant to 5 CFR 6401.103.

FROM: FOIA EXEMPTIONS  
Associate Regional Counsel; GS-14 FOIA 10/14/2010

THRU: Stephen Mendoza SM 10/14/10  
Section Chief, Section-II, Multi-Media Branch I

TO: Robert Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

Pursuant to 5 CFR 6401.103, I hereby request approval for outside employment and state the following in support of this request.

1. The nature of the outside activity, including a full description of the services to be performed:

Undergraduate school lecture on the history of the landmark federal case *United States v. John A. Rapanos, et al. (E.D. MI)* and a general discussion of post-*Rapanos* jurisdiction under the Clean Water Act.

2. The name and business of the person or organization for which the activity will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):

FOIA EX 6 University  
FOIA EXEMPTION 6  
FOIA EXEMPTION 6

3. The estimated amount of time to be devoted to the activity:

1 hour presentation and 4.5 hours of driving on November 5, 2010.

4. The amount of compensation expected:

None

5. The basis for compensation (e.g., fee, per diem, per annum, etc.):

Not applicable.

6. The service will be performed entirely outside of normal duty hours.

Correct.

7. The person to or for whom services would be provided does not hold any EPA assistance agreements or contracts.

Correct.

8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

Correct.

9. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.

Approved by Stephen Mendez  
Supervisor

Date: Oct. 14, 2010

Approved by [Signature]  
Branch Chief (If you are in a Branch).

Date: 10/19/10

Approved by Robert D Kaplan  
Robert Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

Date: 10/20/10

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and 6401.102, as required by 5 CFR 6401.103.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

Memorandum

Date: May 16, 2002

Subject: Request for Approval of Outside Employment

From: FOIA EXEMPTION 6  
FOIA EXEMPTION 6  
Associate Regional Counsel  
Section II; Multi-Media Branch II

To: David A. Ullrich  
Acting Regional Counsel  
Office of Regional Counsel

Please consider this memorandum as my request for approval to provide legal services outside of federal employment. Pursuant to our office's instructions regarding such requests, I am providing the following required information.

a. Name: FOIA EXEMPTION 6  
Title: Associate Regional Counsel  
Grade: GS-14

b./c. Nature of outside activity, description of services, amount of compensation, etc.:

Most of my outside work will be provided through FOIA EXEMPTION 6 a local not-for-profit organization that has been providing pro bono legal services to aspiring artists in the FOIA EX 6 area for 30 years. I worked for this organization for approximately 1 1/2 years before I returned to the Agency in 2000. I intend to limit my practice to those artists in the music business. The nature of the work would mainly involve drafting and reviewing music related performance and recording contracts, drafting and filing necessary documents to create corporations and publishing companies, and resolving copyright issues. I anticipate working with no more than one client per month, and all of this initial work would be pro bono. There is the potential that once an artist is established, they may request additional work from me on a "for-fee" basis. However, I do not anticipate that happening in the near future.

Also, my daughter performs as a violinist with two local not-for-profit musical organizations: The FOIA EXEMPTION 6 and the FOIA EXEMPTION 6 I would like to offer similar legal services to both of these organizations.

d. Estimated time to be devoted to the activity:

I anticipate that I will devote approximately one to two hours per week on these activities.

e. Whether the service will be performed entirely outside of normal duty hours:

All legal services will be performed outside of normal duty hours, and I will not meet with any clients on federal property. The only potential use of government property will be the occasional use of the telephone to set up meetings.

f. Involvement with federal assistance agreements or contracts:

Even though many of the organizations that I may work with will probably be "not-for-profits" who may be receiving federal assistance, I will not become involved in developing and/or reviewing any such federal agreements or contracts.

Thank you for considering this request. Please do not hesitate to call me at ~~FCIA 616~~ you have any questions regarding this matter.

Debra A. Klassman  
Debra Klassman, Chief  
Section II  
Multi-Media Branch II

Approval       Disapproval

Eric Cohen  
Eric Cohen, Chief  
Multi-Media Branch II

Approval       Disapproval

David A. Ullrich  
David A. Ullrich  
Deputy Ethics Official

Approval       Disapproval

D.K.  
5/29/02

MEMORANDUM

SUBJECT: Request for Approval for Outside *Employment/Activity* pursuant to 5 CFR § 6401.103.

FROM: FOIA EXEMPTION U  
Associate Regional Counsel, GS 14

THRU: Sandra M. Lee  
Section Chief

TO: Bertram C. Frey  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

Pursuant to 5 CFR § 6401.103, I hereby request approval for outside employment and state the following in support of this request.

1. The nature of the outside activity, including a full description of the services to be performed:

The nature of the outside activity, is to assist my father in a request for reconsideration, informal hearing, and/or appeal to the Veterans Affairs Appeal Board with respect to the Veterans Affairs (VA) determination to only partially cover a hospital stay and surgery that resulted from my father having a stroke in May 2006. At the time of the stroke my father had VA health insurance and his primary VA doctor has informed us that her position is that his hospital stay should be covered. Nonetheless, the VA has declined to cover a significant portion of his hospital bills and my father intends to request reconsideration and formally appeal that decision to the VA. It is my intention to assist him in the preparation of his appeal, information gathering, potentially provide testimony, and potentially represent him at a hearing. I have discussed this with Marcy Toney and reviewed 18 U.S.C. § 205 (Activities of officers and employees in claims against and other matters affecting the Government) and it is my understanding that pursuant to 18 U.S.C. § 205(e) I am exempt from the restriction from 18 U.S.C. § 205(a) on conducting the above activities because I would be assisting a parent. In an email dated September 21, 2006, Marcy Toney stated, "I agree that your proposed activity to act as agent or attorney for your father in his claim against the VA is permitted by 18 USC 205(e)."

2. The name and business of the person or organization for which the work will be done:

The outside activity will be done for my father FOIA EX. U, who is currently retired.

3. The estimated amount of time to be devoted to the activity:

The estimated amount of time to be devoted to this activity will depend on the process, but I suspect it will be in the range of 40-100 hours over the next year, hopefully much less.

4. The amount of compensation expected:

None.

5. The basis for compensation (e.g., fee, per diem, per annum, etc.):

N/A

6. The service will be performed entirely outside of normal duty hours:

Depending on the extent of my role it is possible that I may need to use a few days of annual leave.

7. The person for whom services would be provided, <sup>FOIA</sup> ~~EXEMPTION 6~~ does not hold any EPA assistance agreements or contracts.

8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

9. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.

Approved by [Signature]  
Supervisor

Date: 9/27/06

Approved by [Signature]  
Branch Chief

Date: 9/27/06

Concurred by [Signature]  
Ethics Attorney (ORC)

Date: Sept 27, 2006

Approved by [Signature]  
Bertram C. Frey  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

Date: Sept 27 2006

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and 6401.102, as required by 5 CFR 6401.103.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

March 9, 2007

MEMORANDUM

SUBJECT: Request for Approval for Outside *Employment/Activity* pursuant to 5 CFR 6401.103.

FROM: ~~FOIA Exemption 6~~ FOIA EX 6  
Associate Regional Counsel (Grade 15)

THRU: Stephen Mendoza, Chief  
Section 2, Multi-Media Branch I  
Office of Regional Counsel, Region 5

TO: Robert Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

Pursuant to 5 CFR 6401.103, I hereby request approval for outside employment and state the following in support of this request.

1. The nature of the outside activity, including a full description of the services to be performed:

I will work as an attorney assisting attorneys with the FOIA exemption 6, an EX 6 not for profit corporation, in their representation of state inmates in federal habeas corpus proceedings challenging their state-court convictions. I will not be lead attorney, filing any appearances, signing any pleadings, or appearing in court in any of these cases.

2. The name and business of the person or organization for which the work will be done:

FOIA exemption 6  
FOIA EX 6  
FOIA exemption 6

3. The estimated amount of time to be devoted to the activity:

I estimate that I will work between 200-300 hours per year. I will be doing very little or no work on this activity during most weeks in the year. During approximately 10-20 weeks in a year, I will work 10-20 hours per week.

Approved by: Robert A Kaplan

Robert Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

Date: 9/21/12

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and 6401.102, as required by 5 CFR 6401.103.

4. The amount of compensation expected:

FOIA

The compensation will be approximately \$~~50~~ per hour.

5. The basis for compensation (e.g., fee, per diem, per annum, etc.):

The compensation will be generally based on a fixed rate per hour, although the rate may vary at times depending upon the case.

6. The service [will/will not] be performed entirely outside of normal duty hours {if not, estimate the number of hours of absence from work required}.

The service will not be performed entirely outside of normal duty hours. I estimate that I will be absent from work approximately 40 hours per year to perform this service..

7. The person to or for whom services would be provided [does/does not] hold any EPA assistance agreements or contracts.

The person for whom services will be provided does not hold any EPA assistance agreements or contracts.

8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

Correct, no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

9. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.

Yes, I have read, am familiar with, and will abide by the restrictions described in 5 CFR Parts 2635 and 6401.102.

Approved by Stephen Moudry Date: Mar. 9, 2007  
Supervisor

Approved by T. Cummings Date: 3/13/07  
Branch Chief (If you are in a Branch).

Concurred by William H. DeLo Date: 3/20/07  
Ethics Attorney (ORC)

Approved by Robert A. Kaplan  
Robert Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

Date: 4/16/07

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and 6401.102, as required by 5 CFR 6401.103.

DATE: January 3, 2011

SUBJECT: Request for Approval for Outside Employment Pursuant to 5 CFR 6401.103.

FROM: *FOIA EXEMPTION*  
Deputy Region 5 Comptroller, *FOIA EXO*

THRU: Dale Meyer  
Region 5 Comptroller

TO: *Bharat Mathur for Region 5 or Robert Kaplan for ORC*  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

Pursuant to 5 CFR 6401.103, I hereby request approval for outside employment and state the following in support of this request.

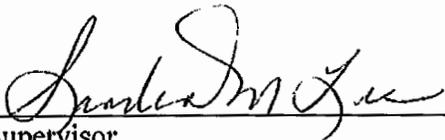
1. The nature of the outside activity, including a full description of the services to be performed:  
To prepare simple/basic income taxes for individuals (not companies or businesses).
2. The name and business of the person or organization for which the work will be done {in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months}: *FOIA EXO*
3. The estimated amount of time to be devoted to the activity:  
10 - 20 hrs a week
4. The amount of compensation expected: Approximately, \$ *FOIA EXO* /week
5. The basis for compensation (e.g., fee, per diem, per annum, etc.): Paid hourly
6. The service will be performed entirely outside of normal duty hours {if not, estimate the number of hours of absence from work required}, except in April. In April, I plan to use approximately 10 annual leave hours a week.
7. The person to or for whom services would be provided does not hold any EPA assistance agreements or contracts {identify any EPA assistance agreements or contracts held by the person to or for whom services would be provided}.
8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

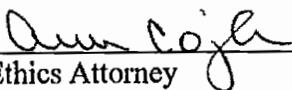
7. The person to or for whom services would be provided **does not** hold any EPA assistance agreements or contracts.

8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

9. I will not use my government position or title or any authority associated with my public office in a manner that could reasonably be construed to imply that U.S. EPA or the federal government sanctions or endorses my personal activities, including my involvement with Quid Pro, L.L.C., or those of another.

10. I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

Approved by  Date: 9-24-13  
Supervisor

Concurred by  Date: 9/27/13  
Ethics Attorney

Approved by  Date: 9/30/13  
Deputy Ethics Official

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 C.F.R. § Parts 2635 and 6401.102, as required by 5 C.F.R. § 6401.103.

9. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.

Approved by  Date: 1/3/2011  
Supervisor

Approved by same as above Date: \_\_\_\_\_  
Branch Chief (If you are in a Branch).

Approved by  Date: 1/7/11  
Bharat Mathur  
Deputy Ethics Official (or)

Robert Kaplan,  
Office of Regional Counsel, Region 5

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and 6401.102, as required by 5 CFR 6401.103.

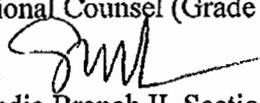


## REQUEST FOR APPROVAL OF OUTSIDE EMPLOYMENT/ACTIVITY

### MEMORANDUM

**SUBJECT:** Request for Approval for Outside *Employment/Activity* pursuant to 5 C.F.R. § 6401.103.

**FROM:** ~~FOIA exemption 6~~  
Associate Regional Counsel (Grade 15)

**THRU:** Sandra M. Lee   
Chief, Multimedia Branch II, Section IV

**TO:** Robert A. Kaplan  
Regional Counsel/Deputy Ethics Official

Pursuant to 5 C.F.R. § 6401.103, I request approval for outside employment and state the following in support of this request:

1. The nature of the outside activity, including a full description of the services to be performed:

Publication of doctoral dissertation, written in 1991, regarding history of Yakama Indian Nation natural resource use and treaty rights litigation between 1880 and 1933.

2. The name and business of the person or organization for which the work will be done:

Publication is by ~~FOIA exemption 6~~ who describes it's business as:

a print and ebook publisher of books on law, history, sociology, and law & society — among other academic subjects, memoirs, and fictional works. [It is] the exclusive ebook publisher of ~~FOIA exemption 6~~ Law Review, University ~~FOIA exemption 6~~ Law Review, ~~FOIA exemption 6~~ Law Review, and ~~FOIA exemption 6~~ Law Journal.

3. The estimated amount of time to be devoted to the activity:

None of the employee's work time has been used for this activity.

4. The amount of compensation expected:

Publication is expected to total not more than 1,000 copies in ebook and paperback format; compensation is based on units sold. It will be nominal.

5. The basis for compensation (e.g., fee, per diem, per annum, etc.):

Per unit sold.

6. The service will be performed entirely outside of normal duty hours.

Approved by Robert A. Kaplan  
Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

Date: April 22, 2007

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 C.F.R. parts 2635 and 6401, as required by 5 C.F.R. § 6401.103.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 NATIONAL HEALTH AND ENVIRONMENTAL EFFECTS  
 RESEARCH LABORATORY  
 MID-CONTINENT ECOLOGY DIVISION  
 6201 CONGDON BOULEVARD, DULUTH, MN 55804-2595

OFFICE OF  
 RESEARCH AND DEVELOPMENT

**SUBJECT:** Request for Approval to Engage in Outside Activity

**FROM:** FOIA EXEMPTION 6  
 ORD, NHEERL, MED, TERB

**TO:** Carl Richards  
 Deputy Ethics Official

**THROUGH:** Joseph Tieme  
 BC, TERB, MED

As required by C.F.R. Title 5, Chapter I, IV Part 6401.103, I am requesting your approval to participate in the outside activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and 5 6401.102.

1) Employee's name, FOIA EXEMPTION 6  
 Title and grade, SF-0413-04

2) Nature of the outside activity, including a full description of the services to be performed:

Adjunct Full Professor, student advisement, prepare and present occasional seminar/lecture.

Amount of compensation to be expected: None

3) The name and business of the person or organization for which the work will be done:

University of FOIA EXEMPTION 6 Sciences Program, FOIA 6112

(In cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months) N/A

1947

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF CHEMISTRY

RESEARCH REPORT

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4) The estimated time (in days) to be devoted to the activity (Please indicate exact days if known)

20 hours/year (5 hours/week)

5) Whether the service will be performed entirely outside of normal duty hours

No

6) Also, estimate the number of hours of absence from work required if service required; please provide a copy of approved SF-713

10 hours/year SF-713 forms to be filed as needed

7) The basis for compensation (e.g., fee, per hour, per diem, per diem, etc.)

No compensation will be received

8) Identification of any assistance agreements or contracts held by the person who is whose services will be provided. (Must be answered if not answered by employer; please identify if agreements or contracts are known, including the employer's involvement, if any.)

#### Notes:

\* Employment means any form of paid or unpaid employment, business relationship, or activity involving the movement of persons, services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, servant, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, literary, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement of expenses.

\*\* Compensation includes any form of consideration, remuneration or reward, including royalties, given for or in connection with employee's speaking or writing or service. Unless accepted under specific statutory authority, such as 51 U.S.C. 1355, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of tickets, by payments in advance or by reimbursement when the expense has been incurred.

#### EMPLOYER CERTIFICATION

I certify that the information supplied in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.



b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and 2641.

c) I certify that no official duty time or Government property, resources, or facilities are available to the general public will be used in connection with this outside assignment activity (unless otherwise stated above).

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than that of any other biographical detail.

For signing, speaking or writing, also include the following certifications:

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and not because of any official position.

g) I certify that the invitation to engage in this activity or the gift of honorarium was not extended to me directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.



b) I certify that the information conveyed through this activity does not draw substantially on facts or official data that are private information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period of my ongoing or announced policy, program, or operation of the agency.

b) I certify that I will not use or permit the use of my official title in position to identify me in connection with this activity or to promote any book, brochure, article, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the article or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

FOIA  
EXEMPTED

Employee's Signature

Date

5/31/12

2)

DEPUTY ETHICS OFFICIAL APPROVAL

APPROVAL



Date

5/31/11

DISAPPROVAL

Date





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 NATIONAL HEALTH AND ENVIRONMENTAL EFFECTS  
 RESEARCH LABORATORY  
 MID-CONTINENT ECOLOGY DIVISION  
 6201 CONGESTION BOULEVARD, DULUTH, MN 55804-2885

OFFICE OF  
 RESEARCH AND DEVELOPMENT

**SUBJECT:** Request for Approval to Engage in Outside Activity

**FROM:** FOIA EXEMPTION 6  
 CRD, NHEERL, MED, TERR

**TO:** Carl Richards  
 Deputy Ethics Official

**THROUGH:** Joseph Tenge  
 BC, TERB, MED

As required by C.F.R. Title 5, Chapter LIV, Part 6401.102, I am requesting your approval to participate in the outside activity described below. Understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 C.F.R. part 2635 and 5 6401.102.

1) Employee's name: FOIA EX 6  
 Title and grade: ST-0415-04

2) Nature of the outside activity, including a full description of the services to be performed:

Adjunct Full Professor, student advisement, prepare and present occasional seminar/lecture

Amount of compensation to be expected: None

3) The name and business of the person or organization for which the work will be done:

FOIA EXEMPTION 6 University, Department of Biology FOIA EXEMPTION 6

(In cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months): N/A

4) The estimated time (hours/days) to be devoted to the activity (Please indicate exact dates if known):



4) The estimated time (hours) likely to be devoted to the activity (Please indicate exact dates if known.)

45 hours per week (approx. 300)

5) Whether the service will be performed entirely outside of normal duty hours

No

(If no, estimate the number of hours of service that will be provided if leave is required. Please provide a copy of approved SF-713)

20 hours per year, SF-713 forms to be filed as needed

6) The basis for compensation (e.g., fee per hour, per diem, per annum, etc.)

No compensation will be involved

7) Identification of any additional agreements or contracts held by the person(s) for whom services will be provided. (This is required if not known by employer, please state so. If agreements or contracts are known, indicate the employee's involvement, if any.)

Training Cooperative Agreement **FOIA b6** (52 U.S.C. 1701)

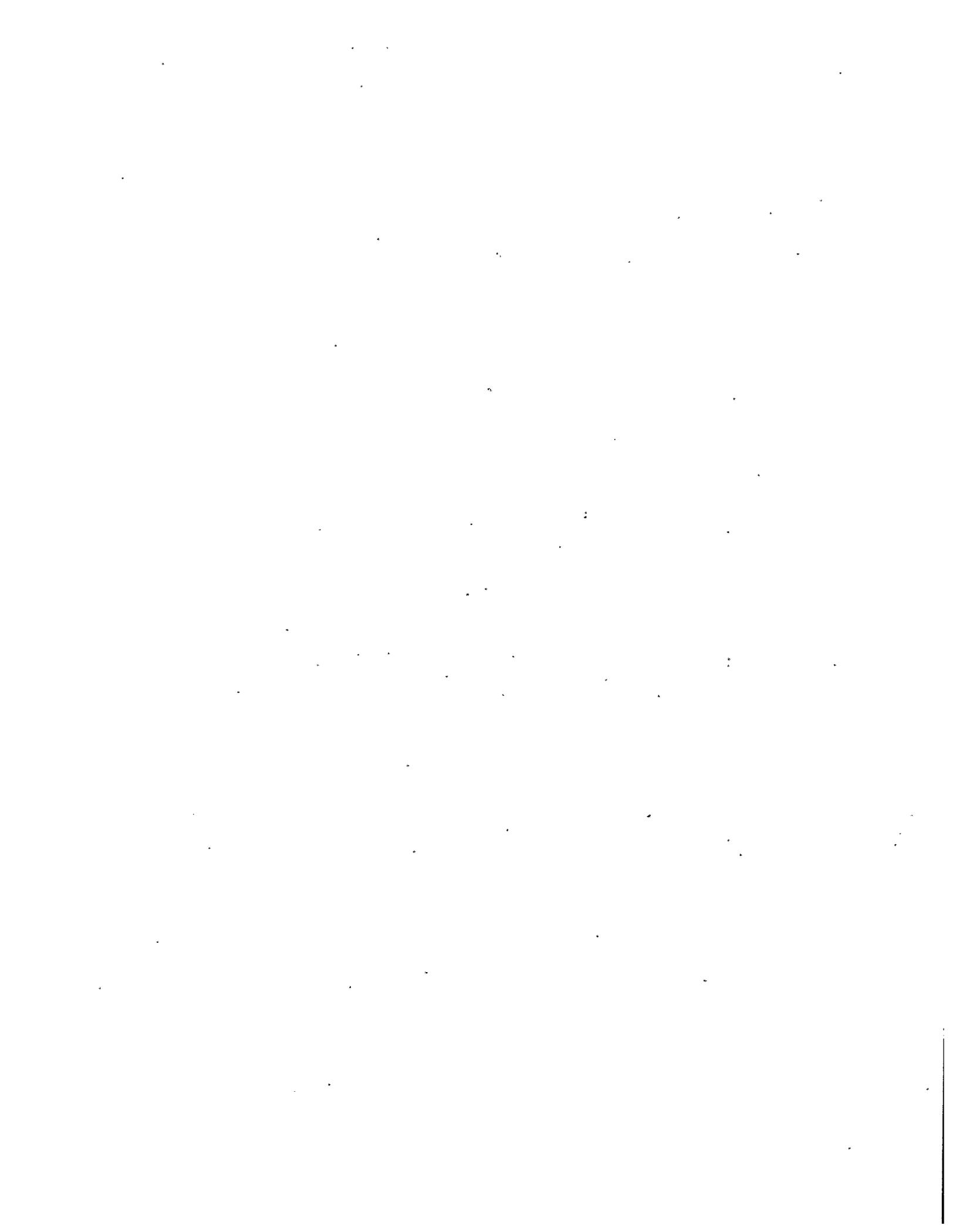
\* Employees accept any form of non-federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, advisor, consultant, contractor, general partner, trustee, teacher or speaker. It includes writing work done under an arrangement with another person for reproduction or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\* Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. It also includes accepted honoraria, specific statutory authority, such as 51 U.S.C. 1355, 54 U.S.C. 4115 or 7342, or an agency gift acceptance statute. It includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment in advance or by reimbursement after the expense has been incurred.

#### EMPLOYEE CERTIFICATION

a) I certify that the information contained in this report is complete and accurate and that I have provided all relevant information pertinent for the Deputy FOIA Officer to make an informed decision of this matter.

b) I certify that I have read, am familiar with and will abide by the restrictions detailed



in 40 CFR parts 223 and 240.

e) I certify that any official duty done by Governmental property, services, or facilities not available to the general public will be used in connection with this outside employment activity (as is shown in used above).

f) I certify that if there is a change in the scope of the duties or services performed in the name of my business, I will submit a revised request for approval.

g) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biological information, in which case my EPA title is given no more prominence than other significant biological titles.

For reading, speaking or writing, this includes the following certificate:

h) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and not because of my official position.

i) I certify that the invitation to engage in this activity or the offer of compensation was not extended to me directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.



I certify that the information conveyed through this form by GSA, but do not  
voluntarily or legally or official duty that are comparable information, the subject does not deal in  
significant part with any matter to which I am currently assigned (working on as an GSA  
employee) or have been assigned during the previous one-year period or any assigned or  
assigned policy, program, or operation of the agency.

I certify that I will not use or permit the use of my official title or position to identify  
myself or the agency with this material to promote any book, seminar, course, program or similar  
undertaking except as one of several organizational entities in connection with an article published  
in a scientific or professional journal, provided that the title or position is accompanied by a  
truthfully presented disclaimer indicating that the listing represents the title or position of the  
Department of the agency of the US.

FOIA  
exemption

5/31/12

Date

DEPUTY ETHICS OFFICIAL APPROVAL

APPROVAL



Date

5/24/12

DISAPPROVAL

Date







It pertains to and is related to species. My knowledge of each of the various species is based on the  
information contained in the representative abstracts of the various journals and other federal agencies and  
documents. I believe that the information does not conflict with any other information, nor does it contain any potential  
infringement or violation of the information, policies, or provisions of the FOIA. The information  
contained therein is outside of my professional responsibility and selection of the information to  
include in this course was not made because of any official duties as described by 5 C.F.R. section  
2635.807. A copy of the course syllabus for the course is attached for your  
review.

**FOIA EX6** is approved by the North Carolina State Bar in the University of  
**FOIA EX6** College of Law.

*[Signature]*  
Deputy Chief of Staff

and

CENTRAL BOARD OF DIRECTORS

EXERCISES IN ARTS

The University of FOIA EX. 6 School of Law

FOIA EX. 6

1974

FOIA EX. 6

Extraordinary Allegations by James R. ... and James ... and Mark ...  
Southern University Casebook Series, Volume ...

Volume 1: ...

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Volume 2: ...

Historical Perspective  
Constitutional Foundations  
Formative Developments

The ... ..  
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Volume 3: ...

- Creeping Federalism  
- The Reagan Revolution  
Economics & Accountability

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<sup>1</sup> Note: the observations, comments, and publications of FOIA EX. 6 are his own and not necessarily those of the Environmental Protection Agency, the United States Government or the University of FOIA EX. 6 School of Law.

- Assignment 1: *Wildlife Management* (1991)
- Reading assignment: *Wildlife*, pp. 107-110, 113-115, 118-120.
- Assignment 2: *Wildlife Management*
- Reading assignment: *Wildlife*, pp. 111-112, 115-116, 119-120, 123-124.
- Assignment 3: *Wildlife Management* (1991) (1991)
- Assignment 4: *Wildlife Management* (1991) (1991)

## NATURAL RESOURCES LAW

Course description

**NOTE:** All students should read the syllabus carefully in the beginning of the course with a particular eye for **FOIA EXEMPTION 6**.

FOIA EXEMPTION 6

**FOIA EXEMPTION 6**

subject matter of law

FOIA EX 6

FOIA EXEMPTION 6

NOTE: This course will focus on the law of natural resources. This is a survey course in natural resource law, specifically as it relates to natural ecosystems in the United States. The focus is primarily on federal law, but comparable state, tribal, and other state laws will also be considered. Part of the challenge for the government, the regulatory community, and the public is finding ways to regulate and regulate approaches that engaging and (sometimes) contradictory. One of the major topics in this course is the relationship between law, science, and public policy, this course should give you one of the most high (in) regulatory courses you may ever take.

This course will prepare you to address real world commercial, regulatory and public policy natural resource issues through the study of these statutes and the written preparation and oral presentation of a research paper on a topic of immediate application.

September 25 Control of Hazardous Air Pollutants: The Endangered Species Act (Part 1)

Reading assignment: Chapter 3, pages 310-333, 335-366  
*The Impact of the 1970 Clean Air Act*, Page 311-325

October 2 Protecting Biodiversity: The Endangered Species Act (Part 2)

Reading assignment: Chapter 3, pages 367-410

October 7 Wetlands: Regulations (Part 1)

- The Law of Water Pollution
- Ground Water
- The Clean Water Act; Rivers & Harbors Act

Reading assignment: Chapter 7, pages 707-798

October 20 Enhancing Regrowth: (Part 2)

- Indian & Federal Reserved Water Rights
- Wetlands
- Application of Clean Water Act
- Allocation between States

Reading assignment: Chapter 7, pages 799-817

October 27 Forest Ecosystems (Part 1)

Reading assignment: Chapter 10, pages 1142-1148

October 29 Forest Ecosystems (Part 2)

Reading assignment: Chapter 10, pages 1153-1158

November 6 Grassland Ecosystems & Protected Lands

Reading assignment: Chapter 8, pages: 900-918; 940-948;  
969-975; Chapter 6, pages 559-572; 641-670



**ATTENDANCE.** Students are expected to attend all classes. Where appropriate, absences discussed with the instructor, where not included or included in a contract, should be reviewed as well. Negative consequences of absences or late participation in class are not guaranteed. More than two absences will result in a withdrawal from the final grade recorded in this course.

**CLASS PARTICIPATION.** Active, thoughtful and professional class participation is required and essential for the success of the seminar. Active participation by all students benefits every participant in the class. Accordingly, class participation will constitute 10% of the final grade.

**WRITING.** In addition to class participation, your primary grade will be based on the preparation and oral presentation of a topic research paper. The written research paper will constitute 30% of your grade. Your oral presentation (10 minutes minimum) will constitute 10% of your grade.

**RESEARCH REQUIREMENTS.** A topic paper on a practical environmental topic is required for credit in this course. Please approach this project with the end mission in mind: writing a writing sample that will accompany your professional resume.

**Length:** 10-25 pages, double spaced, 12 point font. Approval of the professor is required for longer papers. 12 point font preferred. No more than 10% of

**Topic:** The paper topic must be a page or no later than October 31st. A brief, one-paragraph description of the topic to be presented must be submitted by October 20. A brief e-mail or letter. A conference (other class or 1-2 telephone) to discuss topic is encouraged. Preliminary research to establish credibility of the topic should be done before proposing the topic to the professor. If you are having difficulty identifying a topic, please consult commercial reporter services such as the EPA Environmental Reporting, Chemical Regulation Reporter, EPA Topics Law Reporter, or Pesticides & Toxic Chemical News (EPA Chemical News), or Environmental Law in the publications for a topic arising out of any of the subjects covered in the course.

Typical areas include water resources, wildlife, endangered species, NEPA, public trust, public recreation, management, use and preservation of public lands, forestry, or mineral law. It is essential that your topic include a real-life controversy or case as part of the study of the chosen topic. Approach this task as if you were a lawyer

**Footnote:** Topics covered in previous seminars I have conducted included: "Environmental Policy on Tributyl Tin, A Marine Anti-Fouling Agent and its Toxic Disruptor," "EPA's 33/50 Chemical Reduction Program - An Analysis," "Regulatory Control Strategies for Pesticide Run Off From Agricultural Operations: Toxic Buildup in Aquatic Species."

the final lowest grade.

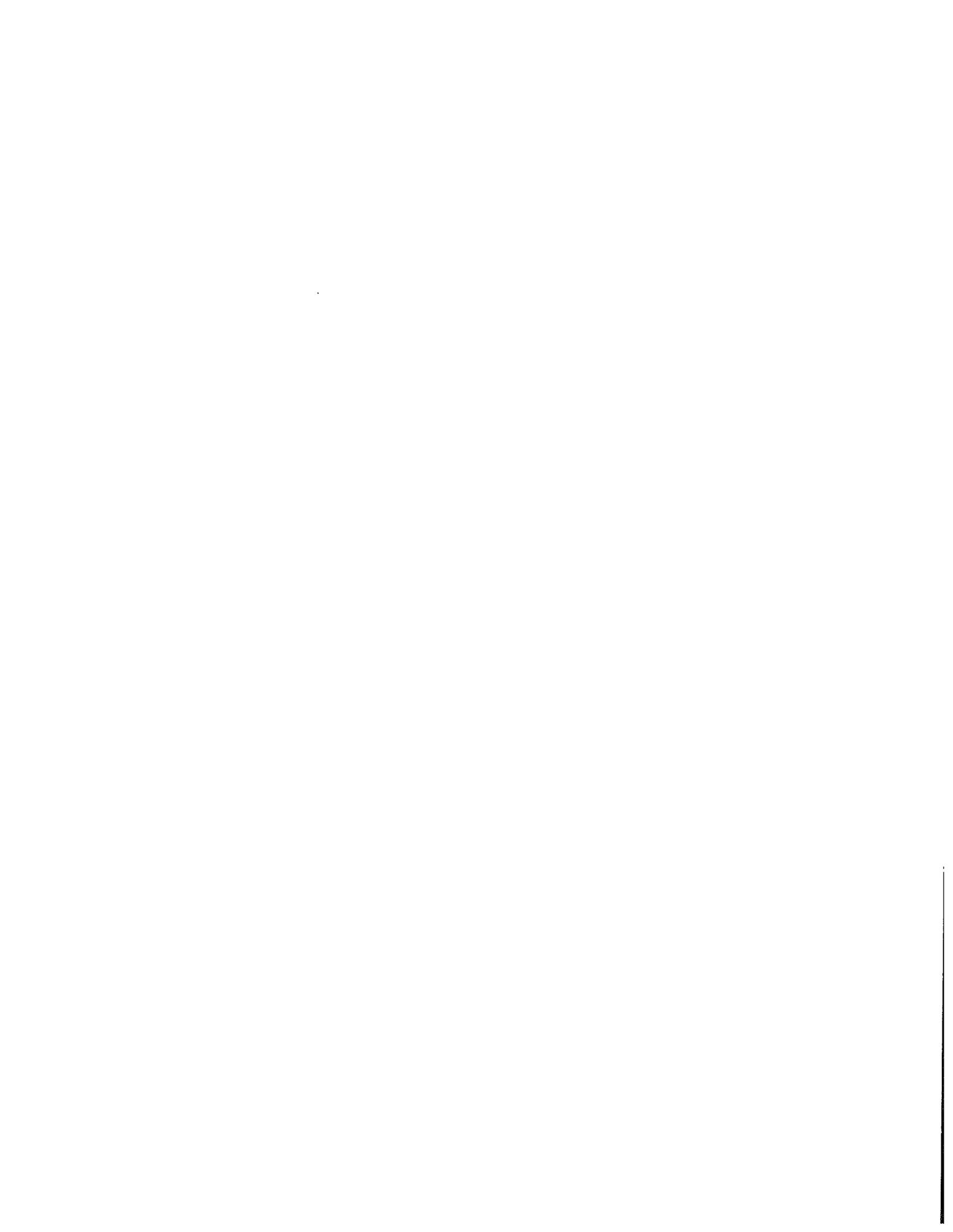
9. Create a copy of the work you intend to use, if possible, develop the document in a 7/20/2001 or 5.1 diskette format. This may enhance your ability to publish your work. Keep a second copy if needed and avoid erasures. Keep all files well filed.

10. Labeling: Staple the type left corner. Please do not use binder covers.

11. Have faith in ourselves. We live in an increasingly dependent and essential economy: your faith, sound economic sense, conflicts of interest, preservation or exploitation are considerations. As lawyers, we identify, shape and help to resolve these disputes. Find a topic that you feel passionate about. Do not attempt any obligation.

12. CLASS PAPER: YOU MUST BE ABLE TO FULFILL THE ADA MICROFILM REPRODUCTION. You must have the law firm's agreement in advance that the related work and research will be sufficient to fulfill this requirement.

13. **FOIA EXEMPTION**





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF  
SOLID WASTE AND EMERGENCY  
RESPONSE

June 25, 2008

Subject: Request for Renewed Approval for Outside Employment

From: FOIA EXEMPTION 6  
Principal Deputy Assistant Administrator  
Office of Solid Waste and Emergency Response

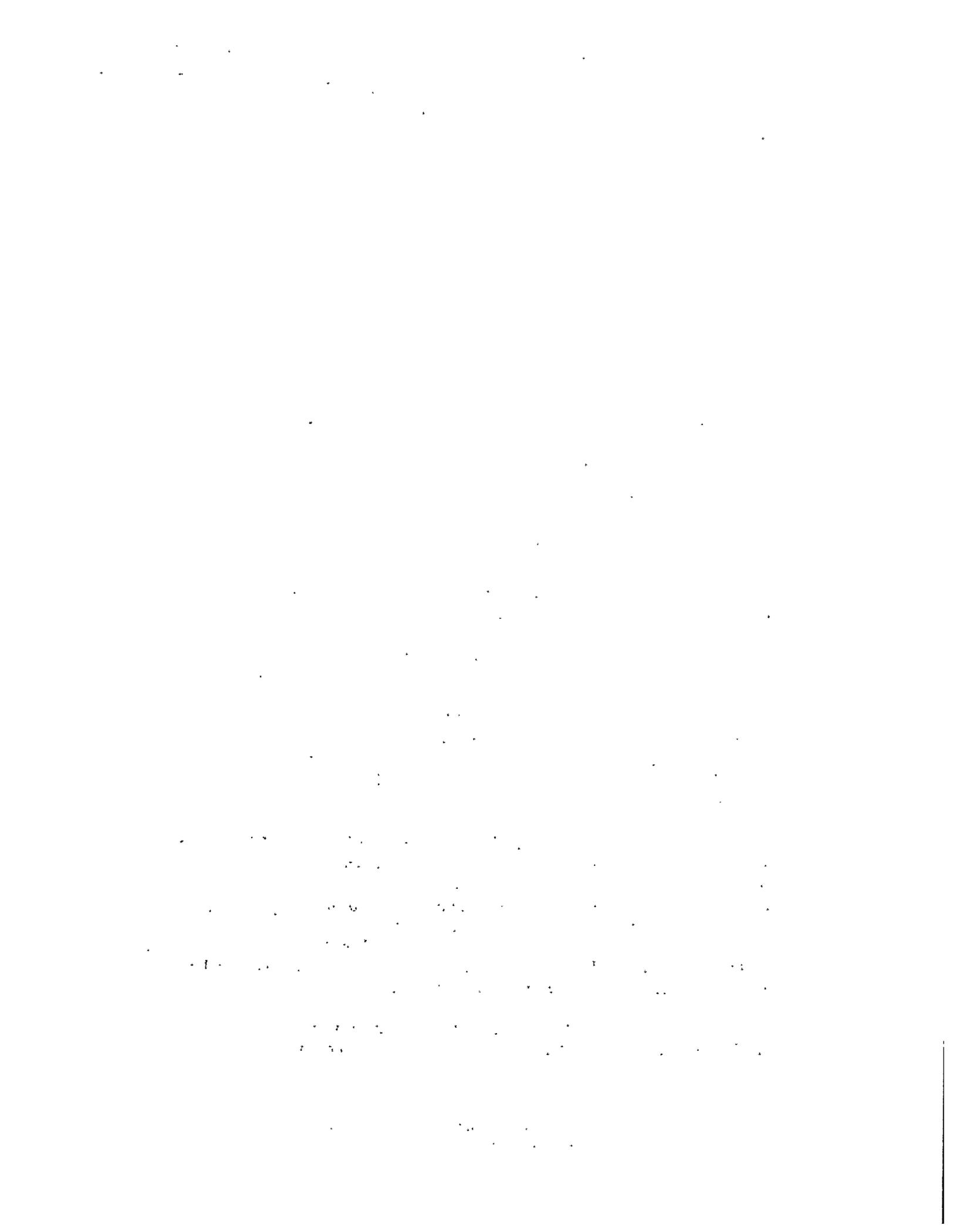
To: Justina Fugh, EPA Ethics Official

This memo requests you to continue approval for my outside employment as an adjunct professor at ~~FOIA~~ <sup>Exc</sup> University law school, the ~~from~~ <sup>Exc</sup> College of Law.

I teach two law school courses per year, always in the area of environmental law. This request is a general one, to cover any two courses; currently I teach a survey course ("Environmental Law") and an advanced course ("Advanced Environmental Law: Liability and Torts"). Besides the course load, there are ancillary duties such as advising students on their independent written work, moot court competitions, and career planning. Compensation is set by the law school, and I understand it takes into account the usual factors such as number of credits taught, number of years of experience, and faculty rank. My current pay is \$ ~~Exc~~ per semester.

The amount of time I devote to teaching differs from week to week. I do not teach during the summer, so during the summer, for most weeks my time commitment is negligible, except for the time associated with updating materials for the coming semester. During the academic year, I typically devote 4 to 10 hours per week, considering class time, class preparation, after class discussions with students, and the occasional supervision of student independent work or advice to student activities such as moot court preparation. During a few weeks around exam time, I devote probably 15 to 30 hours per week, writing an exam and then later grading it.

I do not use official duty time or property to perform this work, except in compliance with EPA policies on incidental personal use of agency equipment. For example, the





private practice of law for compensation  
Ann Coyle to: FOIA exemption 6  
Cc: Marcy Toney, Michael Compher

06/13/2012 01:36 PM

### FOIA exemption 6

You have requested approval to participate in an outside activity, specifically the practice of law for compensation, including drafting a personnel contract for an emergency management plan consulting company. I will be recommending approval of your request for outside employment under 5 C.F.R. § 2635.103 and am advising you of certain statutes and regulations that may be impacted by this outside legal work:

1. 18 U.S.C. §§ 203 and 205 generally prohibit a federal employee from representing anyone in connection with a claim against the United States or representing anyone before any department, agency or court in connection with any matter in which the U.S. is a party or has a direct and substantial interest. Please note that this is a criminal statute.
2. You should be aware of the "Limited Personal Use Policy", available at: <http://intranet.epa.gov/central/limitpolicy/qic/clopolicy/2101-0.pdf>, which explains in what circumstances you can use government resources (e.g., phone, computer, etc.) for non-government activity. You cannot use government equipment for the private practice of law. See also, 5 C.F.R. § 2635.704 regarding the use of government property.
3. You cannot engage in the private practice of law on official duty time. See 5 C.F.R. § 2635.705 regarding the use of official time.
4. 5 C.F.R. § 2635.502 prohibits you from participating in a particular matter as a government employee if you know that a person with whom you have a "covered relationship" is or represents a party to such matter. You would have a "covered relationship" with the consulting company for which you are drafting the personnel contract.
5. 5 C.F.R. § 2635.702 prohibits you from using your government position or title "or any authority associated with [your] public office in a matter that could reasonably be construed to imply that [your] agency or the government sanctions or endorses [your] personal activities or those of another."
6. 5 C.F.R. § 2635.703 prohibits you from improperly using information that you gained by reason of your federal employment and that you know or reasonably should know has not been made available to the general public (e.g., information that routinely is exempt under FOIA or has been designated as confidential by EPA) to further your own interest or that of another, whether through advice or recommendation or by knowing unauthorized disclosure.
7. 5 C.F.R. § 2635.802 prohibits you from engaging in an outside activity that would require your disqualification from matters "so central or critical to the performance of [your] official duties that your ability to perform [your] duties would be materially impaired."
8. 5 C.F.R. § 2635.101(b)(14) requires that you avoid any actions that would create the appearance that you are violating the law or any ethical standards.

Please feel free to contact me if you have any questions.

--Ann

Ann L. Coyle  
Regional Judicial Officer  
(312) 886-2248

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent data collection procedures and the use of advanced analytical techniques to derive meaningful insights from the data.

3. The third part of the document focuses on the role of technology in data management and analysis. It discusses how modern software solutions can streamline data collection, storage, and processing, thereby improving efficiency and accuracy.

4. The fourth part of the document addresses the challenges associated with data management, such as data quality, security, and privacy. It provides strategies to mitigate these risks and ensure that the data remains reliable and secure throughout its lifecycle.

5. The fifth part of the document discusses the importance of data governance and the role of a dedicated team in overseeing data management practices. It emphasizes the need for clear policies and procedures to guide data handling and ensure compliance with relevant regulations.

6. The sixth part of the document explores the benefits of data-driven decision-making and how it can lead to improved organizational performance. It provides examples of how data analysis has been used to identify trends, optimize processes, and make strategic decisions.

7. The seventh part of the document discusses the future of data management and the emerging trends in the field. It highlights the growing importance of artificial intelligence and machine learning in data analysis and the potential for these technologies to revolutionize the way we manage and use data.

8. The eighth part of the document provides a summary of the key points discussed and offers recommendations for organizations looking to improve their data management practices. It emphasizes the need for a holistic approach that integrates data management with overall organizational strategy.

9. The final part of the document includes a list of references and a conclusion. It acknowledges the contributions of various sources and reiterates the importance of data management in the modern business environment.

[MODEL REQUEST FOR APPROVAL OF OUTSIDE EMPLOYMENT/ACTIVITY]

03/21/2013

MEMORANDUM

**SUBJECT:** Request for Approval for Outside *Employment/Activity* pursuant to 5 C.F.R. § 6401.103.

**FROM:** ~~FOIA EXEMPTION 6~~  
Environmental Scientist, GS-14

**THRU:** Steven Padovani

**TO:** Bharat Mathur  
Deputy Regional Administrator/Deputy Ethics Official

~~Robert A. Kaplan ALC 4/2/13~~  
~~Regional Counsel/Deputy Ethics Official~~

Pursuant to 5 C.F.R. § 6401.103, I request approval for outside employment and state the following in support of this request:

1. The nature of the outside activity, including a full description of the services to be performed:  
Adjunct Professor, Dept of Health, University of ~~FOIA EX 6~~ Teach online GIS courses related to human health risk. Advise students in the dept. and present information and technology trends in the field of remote sensing, GIS, and spatial data collection and analysis.
2. The name and business of the person or organization for which the work will be done:  
University of ~~FOIA EX 6~~ Dept. of Health Policy and Administrations
3. The estimated amount of time to be devoted to the activity:  
6 – 8 hours per week
4. The amount of compensation expected:  
per semester
5. The basis for compensation (e.g., fee, per diem, per annum, etc.):  
2 Semesters per year
6. The service **will** be performed entirely outside of normal duty hours {if not, estimate the number of hours of absence from work required}.
7. The person to or for whom services would be provided does not hold any EPA assistance agreements or contracts.

see attached correspondence  
ALC 4/17/13

employee's official duties."<sup>2</sup> An employee may accept compensation for teaching a course at an elementary or secondary school or university (unless the school or university has interests that may be substantially affected by the performance or nonperformance of the employee's duties.) 5 C.F.R. 2635.807(a)(3).

- An employee who is engaged in teaching, speaking or writing shall not use or permit the use of his official title or position to identify him in connection with that activity or to promote any book, seminar, course, program or similar undertaking, except where the inclusion of title or position is one of several biographical details given to identify him and (in the case of publication in a scientific or professional journal) the title or position is accompanied by a disclaimer. 5 C.F.R. 2635.807(b).

In addition, I have provided you with the March 2006 memorandum "Seeking Employment and Post Employment Check List for EPA Employees" prepared by the Office of General Counsel, which sets forth the ethical restrictions involved in those activities.

As I have indicated above, your request for prior approval to begin a consulting business will likely be approved. In situations where the application of these regulations to a specific matter or client is not entirely clear, it would be prudent, in addition, that as your business develops you submit specific matters and/or clients for specific approval, as each new client and/or matter may pose a distinct conflict of interest or ethical analysis.

Please do not hesitate to contact me (6-3186) or Nola Hicks (6-7949) if you have any questions.

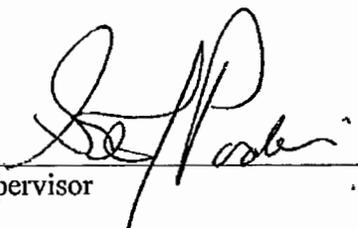
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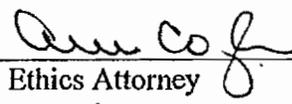
<sup>2</sup> Teaching, speaking or writing "relates to the employee's official duties" if: (A) the activity is undertaken as part of the employee's official duties; (B) the circumstances indicate that the invitation to engage in the activity was extended to the employee primarily because of his official position rather than his expertise on the particular subject matter; (C) the invitation to engage in the activity was extended to the employee by a person who has interests that may be affected substantially by performance or nonperformance of the employee's official duties; (D) the information conveyed through the activity draws substantially on ideas or official data that are nonpublic information; or (E) the subject of the activity deals in significant part with any matter to which the employee is presently assigned (or had been assigned during the previous year) or any ongoing or announced policy, program or operation of the agency. 5 C.F.R. 2635.807(a)(2)(I). However, this definition does not preclude an employee from receiving compensation for teaching, speaking or writing on a subject within the employee's discipline or inherent area of expertise *based on his educational background or experience* even though the teaching, speaking or writing deals generally with a subject within the agency's areas of responsibility. 5 C.F.R. 2635.807 Note.

[Identify any EPA assistance agreements or contracts held by the person to or for whom services would be provided.]

8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

9. I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

Approved by  Date: 3/21/13  
Supervisor

Concurred by  Date: 4/2/13  
Ethics Attorney

Approved by  Date: 7/19/13  
Deputy Ethics Official

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 C.F.R. § Parts 2635 and 6401.102, as required by 5 C.F.R. § 6401.103.

FOIA  
EX 6

SCHOOL OF

Environmental and Occupational Health Sciences FOIA EX 6  
School of FOIA EX 6  
FOIA EX 6

April 11, 2013

To Whom It May Concern,

With this letter we would like to inform you that FOIA EX 6 or is planning to assist FOIA EX 6 with curriculum development activities which are specific to the online Emergency Management and Continuity Planning (EMCP) certificate program at the University of FOIA EX 6 School of

Funding for these activities comes from tuition revenue generated from the FOIA EX 6 certificate program. These funds are not related to any Federal or State sponsored research activities.

We would also like to inform you that the University of FOIA EX 6 ethical rules prohibit compensation in any form of professionals from local, state, and federal agencies with funds related to contracts from their own agencies.

Sincerely,

FOIA EXEMPTION 6  
FOIA EXEMPTION 6

FOIA EXEMPTION 6  
FOIA EXEMPTION 6

FOIA EXEMPTION 6

Coyle, Ann

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**From:** FOIA EXEMPTION 6  
**Sent:** Monday, April 15, 2013 9:31 AM  
**To:** Coyle, Ann; Padovani, Steven  
**Subject:** RE: outside activity approval  
**Attachments:** FOIA EX. 6 .pdf

Ann,

Here is a letter from ~~EO~~ in regards to my adjunct roles and pay. Hopefully this will satisfy Bharat's concerns.

Sincerely,

FOIA EX

---

**From:** Coyle, Ann  
**Sent:** Wednesday, April 10, 2013 12:01 PM  
**To:** FOIA EX Padovani, Steven  
**Subject:** outside activity approval

Brian,

Although I received and signed off on your outside employment approval request, Bharat has concerns because UIC does hold assistance agreements and contracts with Region 5. Before the approval goes through, you will need to determine the nature of those agreements and contracts and, more importantly, determine whether UIC intends pay you with funds from EPA.

In addition, you should be mindful of the ethics rules related to your outside teaching:

1. You cannot use official duty time or government property or resources in connection with your outside employment (5 C.F.R. §§ 2635.704 and 2635.705).
2. You cannot use any non-public information (as defined by 5 C.F.R. § 2635.703(b)) in your work.
3. You cannot participate as an EPA employee in any matter involving the University of ~~FOIA EX~~ (5 C.F.R. § 2635.402).
4. You (and UIC) may use your official EPA title to identify yourself in connection with your teaching only if you include one or two other biographical details (such as your professional degrees, where you went to school, past employment, etc.). I also recommend that you provide a disclaimer stating that the views you express do not represent those of EPA or the United States.
5. You must take annual leave (or other non-duty time) when you are preparing for and teaching the course.

Please let me know if you have any questions. I look forward to hearing back re: the funding, so that I can send your request back up to Bharat.

--Ann

Ann L. Coyle  
Regional Judicial Officer  
Assistant Deputy Ethics Official  
Phone: 312.886.2248

FAX: 312.692.2117



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

MEMORANDUM

SUBJECT: Request for Approval for Outside Employment/Activity in Accordance with 5 C.F.R. § 6401.103.

FROM: FOIA EXEMPTION 6  
Attorney, GS-14

THRU: Janice Loughlin  
Section Chief

TO: Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

*OK*  
*AKW 4/12/07*

DATE: April 12, 2007

I hereby request approval for outside employment and state the following in support of this request in accordance with 5 C.F.R. § 6401.103.

1. The nature of the outside activity, including a full description of the services to be performed:

I am seeking approval to volunteer for the FOIA EXEMPTION 6. As a volunteer with the EX 6 I would offer pro bono legal services to low income individuals. These legal services could include family law (e.g., guardianships, adoptions, divorce, custody, visitation, child support), torts (e.g., personal injury, property damage), real estate (e.g., evictions, foreclosures, building code violations, deeds), consumer matters (e.g., contracts, repossessions, attachment and/or garnishment by creditors), wills, probate, powers of attorney, drivers license suspensions, and incorporations. All matters which require judicial resolution would be handled in the Circuit Court o.

2. The name and business of the person or organization for which the work will be done:

FOIA EXEMPTION 6  
FOIA EXEMPTION 6

3. The estimated amount of time to be devoted to the activity:

On average less than five hours per week.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent and reliable data collection processes to ensure the validity of the findings.

3. The third part of the document describes the results of the data analysis. It shows that there is a significant correlation between the variables studied, indicating that the factors being investigated have a strong impact on the outcomes.

4. The fourth part of the document discusses the implications of the findings. It suggests that the results can be used to inform decision-making and to develop strategies that address the identified issues and challenges.

5. The fifth part of the document concludes the study and provides a summary of the key findings. It reiterates the importance of ongoing monitoring and evaluation to ensure that the organization remains effective and responsive to changing circumstances.

6. The sixth part of the document provides a list of references and sources used in the study. This includes academic journals, books, and other relevant literature that informed the research and analysis.

7. The seventh part of the document includes a list of appendices and supplementary materials. These provide additional details and data that support the main findings and conclusions of the study.

8. The eighth part of the document contains a list of figures and tables. These visual aids help to present the data in a clear and concise manner, making it easier to understand the results and trends.

9. The ninth part of the document includes a list of acknowledgments and a list of authors. This section recognizes the contributions of individuals and organizations that supported the research and provides contact information for the authors.

10. The tenth part of the document is a list of footnotes and endnotes. These provide additional information and references that are relevant to the study but do not fit into the main text.

FOIA Ex 6  
Trick Foley/DC/USEPA/US  
02/20/2007 05:11 PM

To Gary Jones/DC/USEPA/US  
cc  
bcc  
Subject Re: Fw: Request for Approval for Outside Employment

History: This message has been forwarded.

Gary,

The specific project that I have at the moment involves working for a small overseas environmental group that works exclusively in a foreign country that does not border the US. The project involves analyzing whether certain overseas facilities have water BAT installed improvements that can be made with associated cost and assessing the impact of improvements on water quality. The first phase of this project will require between 40-60 hours of work over about a two month period (or less if I can manage). All work will be done outside of normal business hours. There will be no impact on my federal employment. The project may involve further discreet sequential phases that will require a similar amount of effort. I would like to have this project approved in total so that I do not need to come back for future phases of the project. I have received confirmation my proposal was accepted and would like to start work as soon as possible. I am awaiting your approval to start.

We also discussed the concept of getting general approval for projects that are highly unlikely to have a conflict of interest which is the standard for approval. Specifically, can I receive up-front approval to work for overseas environmental groups, overseas NGOs, overseas and international environmental consulting firms (doing work in foreign countries) and foreign businesses that do not have significant interests in the US? I cannot see how there would be a conflict of interest for such work. I will then of course come in for specific approval for work for domestic nongovernmental organizations and air pollution control technology vendors where there is a greater potential for a conflict of interest. I would also come in for specific approval if I was aware of an issue or had a concern with potential conflict of interest for work for overseas environmental groups, overseas NGOs, overseas and international environmental consulting firms and foreign businesses that do not have significant interests in the US. Would that work?

FOIA Ex 6

Gary Jones/DC/USEPA/US



Gary Jones/DC/USEPA/US  
02/17/2007 10:41 PM

FOIA Ex 6 DC/USEPA/US@EPA

cc  
Subject Fw: Request for Approval for Outside Employment

Ex 6: This approves of the general concept but not any specific project. That's progress.  
-Gary

----- Forwarded by Gary Jones/DC/USEPA/US on 02/17/2007 10:39 PM -----



Walker Smith/DC/USEPA/US  
02/16/2007 06:00 PM

To Gary Jones/DC/USEPA/US@EPA  
cc  
Subject Re: Fw: Request for Approval for Outside Employment

technique by a representative of an organization that will be substantially affected by a regulation on land management which the employee is in the process of drafting for the Forest Service The representative offers to pay the employee a \$200 speaker's fee and to reimburse all her travel expenses **She may accept the travel reimbursements, but not the speaker's fee. The speaking activity is related to her official duties under § 2635.807(a)(2)(i)(C) and the fee is prohibited compensation for such speech; travel expenses incurred in connection with the speaking engagement, on the other hand, are not prohibited compensation for a GS-15 employee."**

This example is fairly close to my case. I am a career service employee. I would turn down any speaker's fee or compensation for my time because the subject matter is related to my official duties and because the air pollution technology vendor has interests that can be affected by me Travel expenses incurred in connection with the speaking engagement are not prohibited. It also seems that pre-approval is not required by this section for career employees but I thought I recalled your saying pre-approval may be necessary because of agency specific rules Of course I would state that I am speaking in a private capacity and that I am not speaking on behalf of the EPA Is there an agency specific requirement that this be approved in advance or was that only for outside employment? If so, can you send me the regulation or policy that require the pre-approval? See the following note from page 71:

"Note: Some agencies may have policies requiring advance agency review, clearance, or approval of certain speeches, books, articles or similar products to determine whether the product contains an appropriate disclaimer, discloses nonpublic information, or otherwise complies with this section."

Thanks for your help on this. If there is pre-approval required for outside speaking or if you believe it to be prudent I would like to get it soon. I'll need to decide later this week or early next week if I accept this offer or not. As I asked before, please maintain this discussion in confidence. If for some reason I need approval for this by management or if you recommend it but it is not required please let me know who needs to approve. Under a separate e-mail, soon, I'll be sending a request for approval of outside employment along the lines we had previously discussed. Thanks again.

FOIA Ex 6

Gary Jones/DC/USEPA/US



Gary Jones/DC/USEPA/US

09/11/2006 02:08 PM

To: FOIA Ex 6 DC/USEPA/US@EPA

cc

Subject: teaching, speaking, writing

see esp. 2635.807

[http://www.usoge.gov/pages/forms\\_pubs\\_otherdocs/fpo\\_files/reference/rfsoc\\_02.pdf](http://www.usoge.gov/pages/forms_pubs_otherdocs/fpo_files/reference/rfsoc_02.pdf)

240-401-6388 cell

FOIA Exemption (b)(7) DC/USEPA/US

10/09/2006 03 02 AM

To Gary Jones/DC/USEPA/US@EPA

cc

bcc

Subject Re teaching, speaking, writing

Gary,

Some things have changed and I may still want to accept the speaking engagement we discussed I am still not sure though as I'd have to travel to Europe from Japan and from Japan back to the US shortly thereafter and that might be too much. Even if I do not accept this particular opportunity, I may want to accept another like it in the future and want to understand the requirements in detail

In trying to recall our last discussion, I think you said travel reimbursement is less of an issue than compensation I read through 2635.807 [and especially paragraph (a)(3)(D)] and, if I am reading it right, it seems to me, in my case, that acceptance of travel reimbursement is clearly not prohibited but that acceptance of compensation is clearly prohibited. I do not believe the provisions for outside employment would apply, provided that I do not accept compensation (travel reimbursement in my case, is excluded from the definition of compensation).

I'll sketch out the relevant details for you. Basically the conference is being sponsored by an air pollution control technology vendor that sells technology used by refineries under our consent decrees. I negotiate the requirements of the consent decrees, oversee implementation of those decrees, and make recommendations to management that may affect the vendor's interests. The subject of the conference is cost-effective air pollution control technologies for refineries. The presentation I would give would draw on my general knowledge of air pollution control technology available and applied in the petroleum refining industry and not on EPA policies, practices or internal decision making. I would use publically available data on effectiveness of control technologies as applied in the US (including technologies used under our consent decrees).

See the following example described on page 68 Standards of Ethical Conduct for Employees of the Executive Branch" of in the link you provided below:

"§ 2635.807 Teaching, speaking and writing

.....(iii) Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with the employee's teaching, speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodgings and meals, whether provided in kind, by purchase of a ticket, by payment in advance or by reimbursement after the expense has been incurred. It does not include:

- (A) Items offered by any source that could be accepted from a prohibited source under subpart B of this part
- (B) Meals or other incidents of attendance such as waiver of attendance fees or course materials furnished as part of the event at which the teaching or speaking takes place;
- (C) Copies of books or of publications containing articles, reprints of articles, tapes of speeches, and similar items that provide a record of the teaching, speaking or writing activity; or
- (D) In the case of an employee other than a covered noncareer employee as defined in 5 CFR 2636.303(a), travel expenses, consisting of transportation, lodgings or meals, incurred in connection with the teaching, speaking or writing activity.

Note to Paragraph (a)(2)(iii): Independent of § 2635.807(a), other authorities, such as 18 U.S.C. 209, in some circumstances may limit or entirely preclude an employee's acceptance of travel expenses. In addition, employees who file financial disclosure reports should be aware that, subject to applicable thresholds and exclusions, travel and travel reimbursements accepted from sources other than the United States Government must be reported on their financial disclosure reports.

Example 1 to paragraph (a)(2)(iii): A GS-15 employee of the Forest Service has developed and marketed, in her private capacity, a speed reading technique for which popular demand is growing. She is invited to speak about the

It is difficult to estimate the total amount of compensation expected from this part-time self-employed environmental consulting business. However for calendar year 2007 I project a range of \$ Ex. 6 to \$ Ex. 6. I will provide notice to my Deputy Ethics Official if my total compensation is expected to exceed \$ Ex. 0 for the calendar year.

*(3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):*

Self-employment. For the next 6 months I anticipate less than 5 clients.

*(4) The estimated time to be devoted to the activity;*

I estimate on average less than 16 hours per week will be devoted to this activity.

*(5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required):*

The work will be performed entirely outside of normal duty hours.

*(6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment:*

No official duty time or Government property, resources or facilities will be used in conjunction with the outside employment.

*(7) The basis for compensation (e.g., fee, per diem, per annum, etc.):*

The basis for the compensation will be on lump sum per project basis, as well as per day, and per hour fees.

*(8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102:*

I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102.

*(9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided:*

At this time I am not aware of any EPA assistance agreements with any of the potential clients with whom I am discussing potential employment.

### Requirement for Approval

CFR section 6401.103(a) requires employees of the US Environmental Protection Agency to:

*"...obtain approval from his or her Deputy Ethics Official before engaging in outside employment, with or without compensation, that involves:*

*(1) Consulting services;*

*(2) The practice of a profession as defined in 5 CFR 2636.305(b)(1);....*

*(4) Subject matter that deals in significant part with the policies, programs or operations of EPA or any matter to which the employee presently is assigned or to which the employee has been assigned during the previous one-year period....."*

I am currently seeking and plan to seek part-time outside employment that has the potential to fall into one or all of the three categories quoted above.

### Form and Content of Request

CFR section 6401.103(b) outlines the form and content of the request. The following is the information required by this section:

*(1) Employee's name, title and grade:*

FOIA EXEMPTION: Environmental Engineer, GS-15

*(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:*

I intend to offer general environmental consulting services to non-governmental organizations, overseas environmental groups, overseas and international environmental consulting firms, ~~air~~<sup>foreign</sup> pollution control technology vendors, and foreign businesses that do not have significant interests in the U.S. I will not accept employment that creates a conflict of interest. For example, I will not accept employment from a petroleum refining company that operates refineries in the U.S. as it is probable that I already am or will someday be called on to engage in enforcement activities related to that company. As another example, I will not accept employment from air pollution control technology vendor for whom I make recommendations to my management as to whether their technology is acceptable for use under a consent decree where EPA specifically has such approval authority (i.e. catalyst additives for FCCUs under the refinery consent decrees).

Hi Walker. Do we need to talk about this or do you have everything that you need to make a decision  
--Gary

----- Forwarded by Gary Jones/DC/USEPA/US on 02/16/2007 05:41 PM -----



Gary Jones/DC/USEPA/US

02/12/2007 01:39 PM

To Walker Smith/DC/USEPA/US

cc

Subject Fw: Request for Approval for Outside Employment

Walker. Attached below is a request from FOIA ExC for approval of outside employment as a paid environmental consultant to non-governmental organizations, overseas environmental groups, overseas and international environmental consulting firms, air pollution control technology vendors, and foreign businesses that do not have significant interests in the United States. I have discussed this with Justina Fugh and reviewed the applicable legal requirements and recommend that you reply to me by e-mail stating your approval of ExC request as qualified by me below. In addition to the factors noted in his request for approval, I recommend approval because: (1) he will not be working directly for foreign governments (which would be a violation of the emoluments clause in Article I, section 9, clause 8 of the U.S. Constitution); (2) he will not represent his foreign employers in matters before the U.S. government (5 CFR 2635.801(d)); and (3) he will not be involved in matters that conflicts with his EPA duties (5 CFR 2635.802).

Please note that this proposed approval is unlike others because ExC request is somewhat general in nature. He does not provide the specific name of the entities who would hire him as a consultant, but instead only provides a general description of such entities. As a result, he and I have discussed this and we both agree that your approval of this request would really just approve of the general concept. As specific projects arise, ExC would provide more details to me concerning the identity of the employer and the proposed project, and he would seek a quick confirmation (e.g. via a short e-mail communication) that we approve of that specific arrangement. He says that he may have such an opportunity as early as this weekend, so your prompt review is something that I know he would appreciate. Let me know if we need to discuss this in advance of your responding.

Thanks.

--Gary

----- Forwarded by Gary Jones/DC/USEPA/US on 02/12/2007 01:03 PM -----

FOIA ExC /DC/USEPA/US

02/12/2007 12:16 PM

To Gary Jones/DC/USEPA/US

cc

Subject Request for Approval for Outside Employment

Gary,

with other personal publishing, teaching or speaking engagements. When editors remove additional biographical details supplied by an employee due to space limitations, an appropriate disclaimer in a newspaper op-ed may be a very effective measure to resolve any ambiguity as to the expression of personal versus official views.

In summary, section 807 is subject to two bright lines. With regard to section 807(b)(1), an employee teaching, speaking, or writing in his personal capacity may include his official position and title only as one of several pertinent biographical details. In drafting this section of the Standards, OGE did not establish any criteria for how many additional biographical details are sufficient; nor does OGE believe a formulaic approach to this provision is appropriate. An employee who provides several pertinent biographical details should not be regarded as violating section 807(b)(1) if, in the editorial process, persons beyond the employee's control and without the employee's consent, omit details other than the employee's position and title. Because of that possibility, employees may wish to include an appropriate disclaimer as a matter of prudence. With regard to publishing in a personal capacity in a scientific and professional journal, any reference to the employee's position or title must also be accompanied by a disclaimer that the views expressed do not necessarily reflect those of the agency or the United States. Recognizing that an employee may not have the final word as to what is ultimately published in either journals or the more popular press, it is essential to evaluate the totality of the circumstances in view of the overarching purposes of section 702 (b) and with appropriate deference to the First Amendment and protected whistle blower activities.

The purpose of section 807(b)(1) and (b)(2), in conjunction with section 702(b), is to ensure that public is not misled as to whether the views expressed by an Executive Branch employee in uncompensated teaching, writing, or speaking are those of the employee or those of the Government. A too literal parsing of either 807(b)(1) or (b)(2) divorced from this broader purpose could lead to unnecessarily restricting employee's rights of free speech and commentary. OGE believes that when it is clear from the actual language or context of an employee's teaching, writing, or speaking that the employee is representing personal rather than agency views, then purpose of the specific provisions discussed above has been met.

I hope you will find these views helpful. Please do not hesitate to contact me if OGE may be of further assistance.

Sincerely,

Don W. Fox  
General Counsel

**U.S. Office of Government Ethics**      1201 New York Avenue, NW, Suite 500      Washington, DC 20005

employees cannot participate personally and substantially in a particular matter in which they have a financial interest. As applied to this proposal, you are barred under 18 USC 208, during the period of this contract with: Ex. 6 ), from working on particular matters that affect FOIA Ex. 6 ). This could include things such as federal enforcement actions in which FOIA Ex. 6 might want to join in as co-plaintiff or intervenor, permit matters and SIP approvals affecting FOIA Ex. 6 rulemakings that particularly affect FOIA Ex. 6 or local governments, and other matters that would affect FOIA Ex. 6. Based on the draft Statement of Work provided by you, this bar would appear to be in effect until approximately the end of calendar year 2008, by which time a final report and public testimony at FOIA Ex. 6 Board Meetings should be complete. Should the contract term extend longer, the bar would extend a corresponding amount of time. In the event that a particular matter involving or affecting FOIA Ex. 6 arose at EPA during the time period of the contract, there is the possibility of EPA issuing a waiver allowing you to participate. As noted in the annual ethics cautionary memo that Gary Jones sends out on my behalf, 18 USC 208(b)(1) and 5 CFR 2640.301 allow the Designated Agency Ethics Official (DAEO), currently Pat Hirsch, to allow the employee's participation where the interest is "not so substantial as to be deemed likely to affect the integrity of services" to the Government. In such circumstance, it likely would be relevant for us to know more precisely how much compensation you are receiving, and particularly how much of it remains outstanding. For example, if relatively larger amounts are still forthcoming from FOIA Ex. 6; that would tend to demonstrate a substantial interest. At this time, we cannot make any firm representations as to whether a 208(b)(1)/2640.301 waiver might be available.

**(2) Regulatory impartiality provisions.** Under 5 CFR 2635.501(a), federal employees must take "appropriate steps to avoid an appearance of loss of impartiality" and prohibits federal employees, without prior authorization, from participating in particular matters involving persons with whom the employee has a "covered relationship." Under 5 CFR 2635.501(b), federal employees are considered to have a "covered relationship" with persons "for whom the employee has, within the last year, served as . . . consultant, contractor, or employee." Thus, in your case, during the one-year period following termination of this contract with: Ex. 6 (likely until the end of 2009), you would be barred from working on particular matters involving: Ex. 6 as described above. Section 2635.502(a) of the regulatory impartiality provisions instructs federal employees not to participate in matters where "the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality." During the period of your "covered relationship," questions could arise as a result of your having just been compensated by Ex. 6 to do work on its behalf. Like the statutory criminal conflict of interest provision discussed above, however, there is the possibility that EPA could authorize your involvement in such matters despite this general ban. During this "one-year cooling off" period after the contract expires, 2635.502(d) allows the agency (OECA) to authorize your participation in such matters "based on a determination, made in light of all relevant circumstances, that the interest of the Government in the employee's participation outweighs the concern that a reasonable person may question the integrity of the agency's programs and operations." Factors which may be taken into consideration include:

- "(1) The nature of the relationship involved;
- (2) The effect that resolution of the matter would have upon the financial interests of the person involved in the relationship;
- (3) The nature and importance of the employee's role in the matter, including the extent to which the employee is

American Bar Association  
321 North Clark Street, 20<sup>th</sup> Floor  
Chicago, Illinois 60654-7598  
(Fax) 312/988-6030



SOIA EXG



**PUBLICATION AGREEMENT: CONTRIBUTION TO A COLLECTIVE WORK -- SINGLE TITLE**

**FROM: AMERICAN BAR ASSOCIATION, Section of Environment, Energy, and Resources, located at:**  
321 N. Clark St.  
Chicago, IL 60654  
Attn: Leslie Keros

**TO: Name of Copyright Owner ("You"):** FOIA GAG

Address:

[Joint authorship If the Work has more than one author whose individual contributions are "inseparable parts of a unitary whole," each author must sign a separate counterpart to this agreement All such counterparts shall be considered collectively as one and the same agreement ]

The American Bar Association ("ABA") is pleased to consider the publication of your work, tentatively entitled:

**CERCLA "Five-Year Reviews" as a Long-Term Institutional Control Assurance Tool** (the "Work") to be included in the ABA publication **Implementing Institutional Controls at Brownfields and Other Contaminated Sites** ("Publication").

**License Terms:** As a condition of publication and for no monetary compensation, You hereby grant to the ABA the following rights to the Work in any and all media or form of communication whether now existing or hereafter developed: (1) the exclusive right of first publication of the Work worldwide as part of the Publication; (2) the non-exclusive worldwide right to reproduce, distribute, sell, display, and license the Work, or any part thereof, as published in the Publication, alone or in conjunction with other materials; (3) the non-exclusive worldwide right to use the Work, or any part thereof, in any other publication produced by the ABA; (4) the non-exclusive worldwide right to use the Work to promote and publicize the ABA or its publications; and (5) the non-exclusive right to use Author's name, likeness and biography in connection with the advertising, publicity, and promotion of the Work.

The ABA shall have the right to edit the Work to conform to the Publication's standards of style, technological requirements, language usage, grammar and punctuation, provided that the meaning of the Work is not materially altered. If published, Author will be identified as the author of the Work, or co-author if applicable.

**Warranty:** You warrant that the Work is original with You and that it is not subject to any third party copyright; that You have authority to grant the rights in this Agreement; that publication of the Work will not libel anyone or infringe on or invade the rights of others; that You have full power and authority to enter into this Agreement; that the Work has not been published elsewhere in whole or in part (except as may be set out in a rider attached hereto); and that You have obtained permission from the copyright owner consistent with this Agreement for any third party copyrighted material in the Work.

Nothing herein shall obligate the ABA to publish the Work in the Publication, however if we do not publish the Work by 3/2013, then all rights granted in the Work will automatically revert back to You. If the foregoing terms are satisfactory, please sign and date this agreement below and return it to the project coordinator.

If the foregoing terms are satisfactory, please sign and date this Agreement below and return it to the project coordinator. Execution of this Agreement does not obligate the ABA to publish your Work.

\_\_\_\_\_  
**Copyright Owner's Signature:**

\_\_\_\_\_  
Date \_\_\_\_\_

U.S. GOVERNMENT EMPLOYEES, PLEASE CHECK [a] OR [b]:

[a] My Contribution was written on my own time and was not required by my assigned job or official duties as a U S Government employee

[b] My Contribution was written as part of my assigned job or official duties as a U S Government employee



**Fw: Implementing Institutional Controls at Brownfields and Other Contaminated Sites.**

FOIA Ex 6 to: Jeanne Duross

04/24/2012 07:11 PM

History:

This message has been replied to.

Jeanne,

An EPA colleague and myself wrote an article that will be published in an ABA book. I worked on it on my own time, it was not assigned, I am not/was not compensated. I was in OSRE when I started this, back in late 2010. At that time I discussed with and got direction from OGC regarding issues related to uncompensated writing, caveats in the paper regarding EPA position, use of position/title, etc. I think I have it all covered, but just want to check in with you to make sure this is all still OK in my new position in OCE.

Let me know if you have any concerns. Thanks

FOIA Ex 6, Chief  
Chemical Risk and Reporting Enforcement Branch  
Office of Civil Enforcement - OECA  
(202) 564-1298  
sullivan.greg@epa.gov

Article for Publication  
Outside Activity  
Writing - No Compensation

— Forwarded by FOIA Ex 6 /DC/USEPA/US on 04/24/2012 06:58 PM —

From: "FOIA EXEMPTION" <[redacted]@americanbar.org>  
To: FOIA Ex 6 /DC/USEPA/US@EPA  
Date: 04/24/2012 01:25 PM  
Subject: Implementing Institutional Controls at Brownfields and Other Contaminated Sites.

Dear Mr. FOIA Ex 6,

I work at the American Bar Association and I am assisting with the publication agreements for *Implementing Institutional Controls at Brownfields and Other Contaminated Sites*.

At your earliest convenience, please provide your signature and your mailing address in the attached contributor agreement. We need your mailing address so that we may send you a complimentary copy of the book. (Please note that UPS is unable to deliver mail to a P.O. Box.)

Please scan, mail, or fax the completed agreement to me (312/988-6030).

Congratulations on the upcoming publication of your work, and thank you in advance for your assistance.

Sincerely,  
FOIA Ex 6

called upon to exercise discretion in the matter;

- (4) The sensitivity of the matter;
- (5) The difficulty of reassigning the matter to another employee; and
- (6) Adjustments that may be made in the employee's duties that would reduce or eliminate the likelihood that a reasonable person would question the employee's impartiality."

At this time, we cannot make any firm representations as to whether a section 2635.502(d) regulatory impartiality determination might be available.

**(3) Regulatory outside activities provisions.** EPA must also assess whether the employee's official duties and outside employment conflict in a way that would require disqualification from certain government matters. Under 5 CFR 2635.801:

"(c) Outside employment and other outside activities of an employee must also comply with applicable provisions set forth in other subparts of this part and in supplemental agency regulations. These include the principle that an employee shall endeavor to avoid actions creating an appearance of violating any of the ethical standards in this part and the prohibition against use of official position for an employee's private gain or for the private gain of any person with whom he has employment or business relations or is otherwise affiliated in a nongovernmental capacity."

This overview provision (5 CFR 2635.801) is worded very broadly (i.e., its concern with "appearance" problems is not expressly limited to financial interests), and it underscores the concept that employees should not be using their official position for their own private gain. Additionally, the provision sets forth the foundation for examining the more specific implementing provisions in this subpart, particularly 5 CFR 2635.802. Section 2635.802 states that "An employee shall not engage in outside employment or any other outside activity that conflicts with his official duties" and defines such conflicts to include where "it would require the employee's disqualification from matters so central or critical to the performance of his official duties that the employee's ability to perform the duties of his position would be materially impaired." Initially, this was a close call for us and gave us pause for concern, since the subject matter of your consulting work (air emissions from FCCUs at domestic petroleum refineries) is quite similar to the subject matter that you deal with in your official duties. After evaluating your proposal, however, we are persuaded that your specific role in consulting FOIA Ex. 5 concerning technical and cost feasibility is distinguishable from the enforceability role that is the most central and critical part of your official EPA duties. In order to ensure that your official duties do not create an appearance of a lack of impartiality, we plan to be very careful and will err on the side of caution in keeping you away from matters that could impact FOIA Ex. 6 at least until the 1-year cooling off period ends. As a condition of this approval, we also are requiring that you inform AED management (from your immediate supervisor through your division director) if in the course of conducting your EPA duties any matters involving or affecting FOIA Ex. 6 arise during the term of your contract or the 1-year cooling off period. This would include, for example, any trips to FOIA Ex. 6 or facilities in that area. Once we know more about any such proposed activities, AED will make a determination as to whether you should participate in such matters.

(1) Employee's name, title and grade;

FOIA Ex. 6 Environmental Engineer, GS-15

(2) Nature of the outside activity, including a full description of the services to be performed and the



{In Archive} Fw: Request for outside employment  
Gary Jonesi to: Jeanne Duross

02/22/2010 03:57 PM

Archive: This message is being viewed in an archive.

— Forwarded by Gary Jonesi/DC/USEPA/US on 02/22/2010 03:57 PM —

From: FOIA Ex 6 DC/USEPA/US  
To: Gary Jonesi/DC/USEPA/US@EPA  
Date: 07/23/2008 10:42 PM  
Subject: Re: Request for outside employment

I appreciate the work you put into this to get it right. Thanks again Gary.  
Gary Jonesi/DC/USEPA/US



Gary Jonesi/DC/USEPA/US  
07/24/2008 03:26 AM

To Walker Smith/DC/USEPA/US@EPA  
cc FOIA Ex 6 DC/USEPA/US@EPA  
Subject Re: Request for outside employment

Thanks Walker. Your all set. Ex 6 Please read this carefully and make sure to retain a copy for your files.  
I have placed a copy in your ethics file here in OCE.

Walker Smith/DC/USEPA/US



Walker Smith/DC/USEPA/US  
07/23/2008 12:10 PM

To FOIA Ex 6 DC/USEPA/US@EPA  
cc Gary Jonesi/DC/USEPA/US  
Subject Request for outside employment

FOIA Ex 6: This is in response to your request for approval of outside employment as a contractor to the  
FOIA Exemption 6 FOIA Exemption 6 in assessing the technical and cost  
feasibility of emissions-reduction technologies used in petroleum refinery "fluid catalytic  
cracking units" (FCCUs) to support; [redacted]'s development of a local rule imposing SO2  
emissions limitations to help bring the area into attainment for PM 2.5. Your request is  
approved, subject to the following caveats and conditions:

In order to evaluate your request, it was necessary for us to consult: (1) the statutory criminal  
conflict of interest provisions in 18 USC 208; (2) the regulatory impartiality provisions in 5 CFR  
2635.501 and 2635.502; and (3) the regulatory outside activities provisions in 5 CFR 2635.801  
and 5 CFR 2635.802. Each is addressed in turn below.

(1) Statutory criminal conflict of interest provisions. Under 18 USC 208(a), federal

4. Interests of advisory committee members can be waived if value of services outweighs the conflict.

F. "Procurement Integrity" Rules--effective 12/1/90

1. Special Restrictions

a. "Procurement officials" (that is, those who participate "personally and substantially" in developing requirements or scopes of work, evaluating proposals or negotiating contracts during the "procurement period" between the time a procurement action is begun and the date of award) may not:

(i) discuss future employment with any "competing contractor" during the "procurement period" (employees who only prepared work statements may avoid this restriction by recusal);

(ii) accept gifts, gratuities or entertainment from a "competing contractor" during the "procurement period" (with exceptions similar to--but not identical with--the general EPA exceptions.

b. No employee or contractor employee may disclose "proprietary" or "source selection" information during the "procurement period."

2. Effective dates

Participation between July 16, 1989, and December 1, 1989, or on or after December 1, 1990, invokes the restrictions. The two year post-employment restrictions against assisting in negotiation or performance of the contract is effective May 31, 1991. Participation after July 16, 1989, except during the one-year "suspension" period between Nov. 30, 1989, and Dec. 1, 1990, invokes the two-year restriction against assisting in negotiations or in contract performance.

G. Repeal of Special Restrictions Under the Clean Air Act -- effective 11/90

H. Additional Information

Ethics Advisories 89-21 and 90-11.

only during the final year of Government employment.  
Lasts for two years after employment ceases.

3. Permanent Restriction

a. Remains essentially the same.

b. Makes clear that the restriction applies to expert witness testimony in the absence of a court order permitting such testimony.

4. Enforcement

Provision for administrative hearings to enforcement post-employment restrictions repealed.

5. Restriction on partners of present employees repealed (this was part of post-employment restrictions at 18 U.S.C. §207(g) even though it applied to partners of present employees.

D. Representing outside parties (effective 11/30/89)

Restriction at 18 U.S.C. §§203-205 against representing outside parties before the Government no longer applies to matters before the District of Columbia.

E. Financial Interests--effective 11/30/89

1. Qualified Diversified Trusts

a. All employees may now establish such a trust to avoid 18 USC 208 restriction.

b. OGE certification required.

2. Certificates of Divestiture

a. Where employee must divest to avoid a conflict of interest, capital gains on such sale can be deferred.

b. OGE must issue a "certificate of divestiture" in advance of the sale.

c. Substitute assets must be acquired within 60 days of sale.

d. See Ethics Advisory 90-5.

3. 18 U.S.C. §208(a) restriction clarified to apply only to financial interests of general partners.

B. Public Financial Disclosure Report--effective 1/1/91

1. Late Filing Fee

a. Any employee who is more than 30 days late in filing the SF 278, Executive Personnel Financial Disclosure Report, will be liable for a \$200 filing fee unless a time extension is granted by the Designated Agency Ethics Official or the Office of Government Ethics.

b. SF 278s are due: within 30 days after entrance on duty (unless the employee left another covered Executive Branch position within the previous 30 days); by May 15 every year (after 60 days in a covered position in the previous calendar year); and within 30 days after leaving EPA (unless the employee assumes another covered Executive Branch position within 30 days).

C. Post-Employment Restrictions--effective 1/1/91

1. One Year Quarantine

a. Employees paid at on above GS-17, step 1, are now automatically covered by the restriction against communicating with EPA "with intent to influence" for one year after leaving. Hence, all SES members are covered.

b. Applies to Special Government Employees who serve more than 60 days in a 365 day period paid at or above GS-17, step 1.

c. Any employee who personally and substantially participated in a trade or treaty negotiation during the final year of Government service is barred from communicating with the Government regarding the matter or even advising or assisting in the matter on the basis of "designated" information exempt from disclosure under FOIA.

d. Senior employees cannot represent any foreign government or political party before any U.S. Department of Agency or aid or advise any such entity in dealings with the Federal Government.

2. Two Year Restriction

a. Modified to apply to specific party matters for which a former employee had official responsibility

### 3. Designations for Charity

a. In lieu of accepting prohibited honoraria, employees may generally designate a charity to receive the payment where: (1) organization is legally recognized as a charitable organization, (2) no family member (parent, sibling, spouse, child or dependent relative) derives a direct financial benefit from the charitable organization, (3) the donation does not exceed \$2,000 per appearance, speech, or article, and (4) the employee must not take a tax deduction on account of the honorarium payment (the honorarium is not taxable income either).

b. Donations may not be directed or suggested where offered for the performance of an employee's official duties or where the subject matter of speech or article "focuses specifically" on the employee's official duties or on EPA's responsibilities, policies, or programs.

c. Effective May 15, 1991, employees who file public or confidential financial statements will be required to file a report to identify any honoraria directed to charitable organizations. Reports which are more than 30 days late are subject to a \$200 filing fee.

### 4. Outside Earned Income for Non-Career Employees

a. Presidential appointees confirmed by the Senate, non-career SES, and Schedule C employees paid at or above GS-16, step 1, cannot receive earned income in any calendar year which exceeds 15% of the annual salary for Executive Level II.

b. Such non-career employees are also barred from: (1) affiliating with or being employed by any entity which provides professional services involving a fiduciary relationship, (2) permitting their names to be used by such an entity, (3) receiving compensation for practicing a profession which involves a fiduciary relationship, (4) serving for compensation in a profession which involves a fiduciary relationship, (4) serving for compensation as an officer or member of the board of any association, corporation or other entity (regardless of purpose), and (5) receiving compensation for teaching without prior written approval of the Designated Agency Ethics Official.

NEW ETHICS RULES  
(as of 3/21/91)

A. Outside Employment--effective 1/1/91

1. Honorarium Restriction

a. All employees (except temporary or intermittent special government employees) are barred from receiving any type of honorarium for making an appearance, giving a speech, or writing an article.

b. The prohibition applies to any appearance, speech, or article regardless of subject matter. It applies to receiving compensation for being an expert witness.

c. The prohibition does not apply to regular outside employment or teaching a course at an institution of higher learning or which is sponsored by a federal, state or local government agency. See requirement for outside employment approval at 40 CFR 3.508.

d. The prohibition applies only to receipt of compensation. It does not bar any appearance, speech or article where there is no compensation.

e. The term "honorarium" is defined as "money or anything of value...excluding any actual and necessary travel expenses incurred by such individual (and one relative)...."

2. Travel Reimbursement

a. Based on the general "appearance" standards, the exception for travel expenses does not permit acceptance of reimbursement for travel expenses from a source whose interests may be substantially affected by the performance of the employee's official duties or where the subject matter of the speech or article focuses specifically on the employee's official duties or on EPA's responsibilities, policies or programs.

b. Employees' can still accept official travel expense reimbursement from 501(c)(3) organizations and other permissible sources. See 40 CFR 3.504. (In addition, once EPA procedures are in place, EPA will be able to accept travel expenses for participation in conferences and meetings from virtually anyone, subject to weighing of conflict of interest concerns. See GSA regulations published March 8, 1991, at 56 Fed. Reg. 9878.)

Debit need not be deleted from the firm's name. However, the name C.B. Debit may not appear on the firm's letterhead after the individual enters on duty as a covered noncareer employee.

(b) *Definitions.* For purposes of this section:

(1) *Profession* means a calling requiring specialized knowledge and often long and intensive preparation including instruction in skills and methods as well as in the scientific, historical or scholarly principles underlying such skills and methods. It is characteristic of a profession that those in the profession, through force of organization or concerted opinion, establish and maintain high standards of achievement and conduct, and commit its practitioners to continued study of the field. Consulting and advising with respect to subject matter that is generally regarded as the province of practitioners of a profession shall be considered a profession.

(2) *Profession which involves a fiduciary relationship* means a profession in which the nature of the services provided causes the recipient of those services to place a substantial degree of trust and confidence in the integrity, fidelity and specialized knowledge of the practitioner. Such professions are not limited to those whose practitioners are legally defined as fiduciaries and include practitioners in such areas as law, insurance, medicine, architecture, financial services and accounting. A covered noncareer employee who is uncertain whether a particular field of endeavor is a profession which involves a fiduciary relationship may request an advisory opinion under § 2636.103.

*Example 1.* In view of the standards of the profession which require a licensed real estate broker to act in the best interests of his clients, the selling of real estate by a licensed broker involves the practice of a profession involving a fiduciary relationship.

*Example 2.* A covered noncareer employee may receive the customary fee for serving as the executor of his mother's estate, provided he does not violate the applicable limitation on the amount of outside earned income he may receive. Although the executor of an estate has fiduciary obligations, serving as an executor in these circumstances does not involve the practice of a profession and, therefore, is not prohibited. He could not, however, serve for compensation as attorney for the estate.

§ 2636.306 Compensation restriction applicable to service as an officer or member of a board.

(a) *Applicable restriction.* A covered noncareer employee shall not receive compensation for serving as an officer or member of the board of any association, corporation or other entity.

Nothing in this section prohibits uncompensated service with any entity.

(b) *Definition.* For purposes of this section, the phrase "association, corporation or other entity" is not limited to for-profit entities, but includes nonprofit entities, such as charitable organizations and professional associations, as well as any unit of state or local government.

*Example 1.* A covered noncareer employee of the Environmental Protection Agency may not serve with compensation on the board of directors of his sister's closely-held computer software corporation.

*Example 2.* A covered noncareer employee of the Department of the Navy may serve without compensation as an officer of a charitable organization that operates a hospice.

*Example 3.* A covered noncareer employee of the Coast Guard appointed to serve as a member of the board of education of the county in which she is a resident may not receive compensation for that service.

§ 2636.307 Requirement for advance authorization to engage in teaching for compensation.

(a) *Authorization requirement.* A covered noncareer employee may receive compensation for teaching only when specifically authorized in advance by the designated agency ethics official.

(b) *Definition.* For purposes of this section "teaching" means any activity that involves oral presentation or personal interaction, the primary function of which is to instruct or otherwise impart knowledge or skill. It is not limited to teaching that occurs in a formal setting, such as a classroom, but extends to instruction on an individual basis or in an informal setting.

(c) *Request for authorization.* An employee may request authorization to engage in compensated teaching activities by forwarding a written request to the designated agency ethics official. The request shall describe the employee's official duties, the subject matter of the teaching activity, the entity sponsoring the course, and the student, class or audience to be taught. In addition, it shall set forth the terms of the compensation arrangement and identify the source of the payment. The request shall be accompanied by any contract or employment agreement and any literature describing, publicizing or otherwise promoting the class, classes or course.

(d) *Standard for authorization.* Compensated teaching may be approved by the designated agency ethics official only when:

(1) The teaching will not interfere with the performance of the employee's official duties or give rise to an

appearance that the teaching opportunity was extended to the employee principally because of his official position;

(2) The employee's receipt of compensation does not violate any of the limitations and prohibitions on honoraria, compensation or outside earned income contained in this part, and

(3) Neither the teaching activity nor the employee's receipt of compensation therefor will violate applicable standards of conduct or any statute or regulation related to conflicts of interests.

(e) *Determination and authorization.* The determination by the designated agency ethics official to grant or deny authorization to engage in teaching for compensation shall be in writing and shall be final. The authority of the designated agency ethics official to authorize compensated teaching may not be delegated to any person other than the alternate designated agency ethics official described in § 2636.202(b). [FR Doc. 91-1083 Filed 1-16-91; 8:45 am] BILLING CODE 3045-01-5

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 319

[Docket No. 90-233]

#### Importation of Sandpears from Chile

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

**SUMMARY:** We are amending the Fruits and Vegetables regulations by specifying definite areas (Provinces) in Chile which the Administrator of the Animal and Plant Health Inspection Service has determined to be free from certain injurious insect pests and from which sandpears (*Pyrus pyrifolia*) may be imported without treatment for these pests. This change will allow the importation in accordance with the regulations of this fruit from the specified definite areas.

**EFFECTIVE DATE:** January 11, 1991.

**FOR FURTHER INFORMATION CONTACT:** Frank E. Cooper, Senior Operations Officer, Port Operations Staff, PPO, APHIS, USDA, Room 632, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-6709

**SUPPLEMENTARY INFORMATION:** The Fruits and Vegetables regulations in /

expenses incurred by the employee from any payment received for the activity:

(7) An honorarium paid to a charitable organization pursuant to § 2636.204 of this part; or

(8) Compensation for:

(i) Services rendered prior to January 1, 1991, or prior to becoming a covered noncareer employee;

(ii) Services rendered in satisfaction of a covered noncareer employee's obligation under a contract entered into prior to January 1, 1991; or

(iii) Services which the covered noncareer employee first undertook to provide prior to January 1, 1991, where the standards of the applicable profession require the employee to complete the case or other undertaking.

*Example 1.* A covered noncareer employee is a limited partner in a partnership that invests in commercial real estate. Because he does not take an active role in the management of the partnership, his share of the partnership income is neither "outside earned income" nor "compensation."

*Example 2.* A covered noncareer employee of the Civil Rights Commission serves without compensation as a member of the Board of Visitors for a university. The roundtrip airfare and hotel expenses paid by the university to permit him to attend quarterly meetings of the Board are neither "outside earned income" nor "compensation."

*Example 3.* Where a covered noncareer employee pays for transcripts of a hearing in which he is providing pro bono legal representation, reimbursements for those expenses by a legal aid organization are neither "outside earned income" nor "compensation."

*Example 4.* During the term of his appointment, a Deputy Assistant Secretary of Labor enters into a contract to write a book of fictional short stories. Royalties based on actual sales of the book after publication are investment income attributable to the property interest he retains in the book and, as such, are neither "outside earned income" nor "compensation."

(c) *Receive* means that the employee has the right to exercise dominion and control over the compensation or outside earned income and direct its subsequent use. Compensation or outside earned income is received by an employee if it is for his conduct and:

(1) If it is paid to any other person on the basis of designation, recommendation or other specification by the employer; or

(2) If, with the employee's knowledge and acquiescence, it is paid to his parent, sibling, spouse, child or dependent relative.

Compensation that is prohibited by § 2636.305 through § 2636.307 of this subpart is received while an individual is an employee if it is for conduct by him that occurs while an employee, even though actual payment may be deferred

until after Federal employment has terminated. Payments made to charitable organizations in lieu of honoraria under § 2636.204 of this part are not compensation or outside earned income and thus are not received in violation of any of the limitations contained in his subpart. However, other compensation or outside earned income donated to a charitable organization is received by the employee.

§ 2636.304 The 15 percent limitation on outside earned income.

(a) *Limitation applicable to individuals who are covered noncareer employees on January 1 of any calendar year.* A covered noncareer employee may not, in any calendar year, receive outside earned income attributable to that calendar year which exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule under 5 U.S.C. 5313, as in effect on January 1 of such calendar year. The effective date of a change in the rate for level II of the Executive Schedule shall be the date on which a new rate of basic pay for level II first becomes applicable to any level II position.

Note: Notwithstanding the 15 percent limitation described in this section, a covered noncareer employee who is a Presidential appointee to a full-time noncareer position is prohibited by section 102 of Executive Order 12674, as amended, from receiving any outside earned income for outside employment or any other activity performed during that Presidential appointment.

*Example 1.* Notwithstanding that the compensation he will receive would not exceed 15 percent of the rate for level II of the Executive Schedule, a covered noncareer employee of the Department of Energy may not receive any compensation for teaching a university course unless he first receives the authorization required by § 2636.307 of this subpart.

(b) *Limitation applicable to individuals who become covered noncareer employees after January 1 of any calendar year.* The outside earned income limitation that applies to an individual who becomes a covered noncareer employee during a calendar year shall be determined on a pro rata basis. His outside earned income while so employed in that calendar year shall not exceed 15 percent of the annual rate of basic pay for level II of the Executive Schedule in effect on January 1 of the calendar year divided by 365 and multiplied by the number of days during that calendar year that he holds the covered noncareer position.

*Example 1.* A former college professor received an appointment to a noncareer Senior Executive Service position on November 1, 1991. The rate of basic pay in effect for Executive Level II on January 1,

1991 was \$125,100. For the 61 day period from November 1, 1991 through December 31, 1991, the amount of outside income he may earn is limited to \$3,129. That amount is determined as follows:

Step 1. The rate of basic pay for Executive Level II as in effect on January 1 of that year (\$125,100) is divided by 365. That quotient is \$342.

Step 2. The dollar amount determined by Step 1 (\$342) is then multiplied by the 61 days the employee held the covered noncareer position. That product is \$20,862.

Step 3. The dollar amount determined by Step 2 (\$20,862) is multiplied by .15 or 15 percent. The product (\$3,129) is the maximum outside earned income the employee may have in the particular year attributable to the period of his service in a covered noncareer position.

(c) *Computation principle.* For purposes of any computation required by this section, any amount of \$.50 or more shall be rounded up to the next full dollar and any amount less than \$.50 shall be rounded down to the next full dollar.

(d) *Year to which outside earned income is attributable.* Regardless of when it is paid, outside earned income is attributable to the calendar year in which the services for which it is paid were provided.

§ 2636.305 Compensation and other restrictions relating to professions involving a fiduciary relationship.

(a) *Applicable restrictions.* A covered noncareer employee shall not:

(1) Receive compensation for:

(i) Practicing a profession which involves a fiduciary relationship; or

(ii) Affiliating with or being employed to perform professional duties by a firm, partnership, association, corporation, other entity which provides professional services involving a fiduciary relationship; or

(2) Permit his name to be used by a firm, partnership, association, corporation, or other entity which provides professional services involving a fiduciary relationship.

*Example 1.* A covered noncareer employee of the White House Office who is an attorney may not receive compensation for drafting a will for her friend. She may, however, participate in her bar association's pro bono program by providing free legal services for the elderly, provided her participation in the program is otherwise proper. For example, 11 U.S.C. 205 would prohibit her from representing her pro bono client in a hearing before the Social Security Administration.

*Example 2.* An accountant named C.B. Debit who is offered a covered noncareer appointment must terminate his partnership in the accounting firm of Delight, Waterhouse and Debit upon appointment. Because his deceased father, J.R. Debit, was the founding partner for whom the firm is named, the non

§ 2636.104 of this subpart and annotate the report to reflect that referral.

(g) *Filing of reports with the Office of Government Ethics.* On August 15 of each year, the designated agency ethics official shall forward to the Office of Government Ethics all reports reviewed within his agency during the preceding one-year period.

(h) *Review of reports by the Office of Government Ethics.* Within 90 days after receiving the reports forwarded under paragraph (g) of this section, reports of payments to charitable organizations in lieu of honoraria filed by individuals whose public financial disclosure reports are required to be filed with the Director of the Office of Government shall be reviewed and signed by the Director.

(i) *Retention of reports.* Reports of payments to charitable organizations in lieu of honoraria shall be retained by the Office of Government Ethics for a period of 6 years. Unless needed in an ongoing investigation, the reports shall be destroyed after 6 years.

(j) *Confidentiality of reports.* Reports of payments to charitable organization in lieu of honoraria filed pursuant to this section are not available to members of the public and are to be treated with the confidentiality afforded confidential financial disclosure reports.

#### Subpart C—Outside Earned Income Limitation and Employment and Affiliation Restrictions Applicable to Certain Noncareer Employees

##### § 2636.301 General standards.

A covered noncareer employee shall not:

- (a) Receive outside earned income in excess of the 15 percent limitation described in § 2636.304 of this subpart;
- (b) Receive compensation or allow the use of his name in violation of the restrictions relating to professions involving a fiduciary relationship described in § 2636.305 of this subpart;
- (c) Receive compensation for serving as an officer or board member in violation of the restriction described in § 2636.306 of this subpart; or
- (d) Receive compensation for teaching without having first obtained advance authorization as required by § 2636.307 of this subpart.

##### § 2636.302 Relationship to other laws and regulations.

The limitations and restrictions contained in this section are in addition to any limitations and restrictions imposed upon an employee by applicable standards of conduct or by reason of any statute or regulation relating to conflicts of interest. Even

though conduct or the receipt of compensation is not prohibited by this subpart, an employee should accept compensation or engage in the activity for which compensation is offered only after determining that it is otherwise permissible. In particular, a covered noncareer employee should accept compensation only after determining that its receipt does not violate the following prohibitions:

(a) A covered noncareer employee who is a Presidential appointee to a full-time noncareer position is prohibited by section 102 of Executive Order 12674, as amended, from receiving any outside earned income from outside employment or any other activity performed during that Presidential appointment.

(b) An individual is prohibited from receiving any honorarium while he is an employee. The honoraria prohibition, described in subpart B of this part, applies to any compensation for an appearance or speech made or article submitted for publication while the individual is an employee.

##### § 2636.303 Definitions.

For purposes of this section:

(a) *Covered noncareer employee* means an employee, other than a special Government employee as defined in 18 U.S.C. 202, whose rate of basic pay is equal to or greater than the annual rate of basic pay in effect for GS-18, step 1 of the General Schedule under 5 U.S.C. 5332 and who is:

(1) Appointed by the President to a position described in the Executive Schedule, 5 U.S.C. 5312 through 5317, or to a position that, by statute or as a matter of practice, is filled by Presidential appointment, other than:

- (i) A position within the uniformed services; or
- (ii) A position within the foreign service below the level of Assistant Secretary or Chief of Mission;

(2) A noncareer member of the Senior Executive Service or of another SES-type system, such as the Senior Foreign Service;

(3) Appointed to a Schedule C position or to a position under an agency-specific statute that establishes appointment criteria essentially the same as those set forth in § 213.3301 of this title for Schedule C positions; or

(4) Appointed to a noncareer executive assignment position or to a position under an agency-specific statute that establishes appointment criteria essentially the same as those set forth in § 305.601 of this title for noncareer executive assignment positions.

For purposes of applying this definition to an individual who holds a General

Schedule or other position that provides several rates of pay or steps per grade, his rate of basic pay shall be the rate of pay for the lowest step of the grade at which he is employed.

*Example 1.* A Schedule C appointee to a position with the United States Information Agency who holds a GS-15 position and who is compensated at the rate for GS-15, Step 9 is not a covered noncareer employee even though the pay he receives in a calendar year exceeds the annual pay for GS-18, Step 1. Notwithstanding that he is compensated at Step 9, the basic rate of pay for the GS-15 position he holds is the rate in effect for GS-15, Step 1 of the General Schedule, which is lower than the rate for GS-18, Step 1.

*Example 2.* An employee of the Environmental Protection Agency who has been a career GS-15 employee for 10 years and who is offered a non-career SES position with the Federal Aviation Administration will, if he accepts the offer, become a covered noncareer employee by reason of that appointment, regardless of his former status.

*Example 3.* A Department of Justice employee who holds a Schedule A appointment is not a covered noncareer employee even though he does not have competitive status within the meaning of § 212.301 of this title.

(b) *Outside earned income and compensation* both mean wages, salaries, honoraria, commissions, professional fees and any other form of compensation for services other than salary, benefits and allowances paid by the United States Government. Neither term includes:

- (1) Items that may be accepted under applicable standards of conduct gift regulations if they were offered by a prohibited source;
- (2) Income attributable to service with the military reserves or national guard;
- (3) Income from pensions and other continuing benefits attributable to previous employment or services;
- (4) Income from investment activities where the individual's services are not a material factor in the production of income;
- (5) Copyright royalties, fees, and their functional equivalent, from the use or sale of copyright, patent and similar forms of intellectual property rights, when received from established users or purchasers of those rights;

(6) Actual and necessary expenses incurred by the employee in connection with an outside activity. Where such expenses are paid or reimbursed by another person, the amount of any such payment shall not be counted as compensation or outside earned income. Where such expenses are not paid or reimbursed, the amount of compensation or earned income shall be determined by subtracting the actual and necessary

spouse is employed by the Red Cross may not suggest that an honorarium for his speech about his vacation spent bicycling through China be donated in his name to the Red Cross.

*Example 3.* A claims examiner employed by the Department of Veterans Affairs whose mother suffers from Parkinson's Disease may suggest that an honorarium for her article on historic preservation be donated to a charitable organization that funds research seeking a cure for Parkinson's Disease. She may not suggest, however, that it be donated to a charitable organization that provides her mother with in-home nursing services.

**§ 2636.205 Reporting payments to charitable organizations in lieu of honoraria.**

(a) *Who must file.* A current or former employee, other than a new entrant, who is required to file a financial disclosure report, either on a confidential or public basis, shall at the same time file a confidential report of payments to charitable organizations in lieu of honoraria if:

(1) Payments in lieu of honoraria aggregating more than \$200 were made on his behalf by any one source to one or more charitable organizations during the reporting period covered by the financial disclosure statement; or

(2) In the case of an individual filing a termination report, there is an understanding between the reporting individual and any other person that payments in lieu of honoraria will be made on his behalf for an appearance or speech made or article submitted for publication while the individual was a Government employee which, together with any payments in lieu of honoraria made by that source during the reporting period, will aggregate more than \$200. This reporting requirement is in addition to any other requirement to disclose on a public or confidential financial disclosure report the source, date and amount of an honorarium paid to a charitable organization on the employee's behalf. It does not apply to any payment in lieu of an honorarium made to a charitable organization on behalf of the current or former employee's spouse or dependent child.

(b) *Where and when to file.* The report required by this section shall be filed with the agency ethics official by the date the current or former employee is required to file a confidential or public financial disclosure report. Any grant of an extension to file a financial disclosure report shall automatically extend the date for filing the report of payments to charitable organizations in lieu of honoraria and the agency ethics official may, for good cause shown by the employee, grant a separate extension of the date for filing the report

required by this section. The total of all extensions for filing the report required by this section shall not exceed 90 days.

(c) *Reporting period.* The report of payments to charitable organizations in lieu of honoraria shall cover the same period that applies to the confidential or public financial disclosure report the individual is required to file. For employees filing annual financial disclosure reports, the reporting period is the preceding calendar year or, if the employee commenced Government service during that year, the portion of the preceding calendar year beginning with the date the employee entered on duty. For those filing termination reports, the reporting period is the portion of the calendar year in which he terminated Government service up to the date of termination and, if he has not yet filed an annual financial disclosure report covering that period, the preceding calendar year or other period required for the annual report.

(d) *What to report.* Each report shall be filed on the standard form prescribed by the Office of Government Ethics and made available through the General Services Administration. Each report filed shall include the following information for each payment to a charitable organization in lieu of an honorarium, regardless of amount, made on the employee's behalf by any source from whom such payments made during the reporting period aggregate more than \$200:

(1) The date of the payment (if payment has been made);

(2) The date of the appearance or speech for which the honorarium was paid or, where the honorarium is for an article, the date the article was submitted by the employee for publication;

(3) The name of the person or entity making the payment to the charitable organization;

(4) The name and the tax status of charitable purpose of the recipient;

(5) The subject matter of the speech or article or, where the honorarium is for an appearance, the reason for the appearance; and

(6) The amount of the payment;

An individual filing a termination report who is reporting with respect to payments which have not yet been made should write "Not Applicable" in the space provided for the date of payment and should provide the remainder of the information required on the basis of his best knowledge and belief as to payments which he understands will be made to charitable organizations on his behalf.

(e) *Effect of signing the form.* signing the form the employee certifies that the information he has reported is true, complete and correct to the best of his knowledge and that neither his parent, sibling, spouse, child, dependent relative receives from the recipient charitable organization any benefit that is separate and distinct from any general benefit conferred by the organization's activities.

(f) *Review of reports.* Within 60 days after receipt, the agency ethics official shall review each report of payments to charitable organizations in lieu of honoraria to determine that the reporting requirements of this section have been met and that each report reported meets the standards of § 2636.204 of this subpart.

(1) The agency ethics official shall audit the report to ascertain whether the disclosures are correct; disclosure to be taken at face value unless a patent omission or ambiguity is identified by the official has independent knowledge of matters outside the report.

(2) If the agency ethics official determines that the report is correct and that each payment is properly reported, the employee shall sign and date the report.

(3) If the agency ethics official determines that the form is not complete, he shall request that the employee complete the form by a specific date and annotate each page or change with the employee's signature and the date the annotation was made. The 60 day period for review shall run from the date the completed form is filed.

(4) If the agency ethics official determines that additional information is needed to determine whether the payment to a charitable organization meets the standards of § 2636.204 of this subpart, he shall request that the employee furnish such information by a specific date and shall date and sign the report any information in writing or annotate the report to reflect any information obtained in writing and the date it was furnished. The 60 day period shall run from the date the additional information is furnished.

(5) If the agency ethics official determines that the employee has not filed a report or a complete report, he shall request that the employee file a report of § 2636.201 of this subpart by a specific date. If the reported payment does not meet the standards of § 2636.204 of this subpart, he shall give the individual written notice of the deficiency and 10 days in which to submit a written response. Thereafter, shall refer the case for appropriate action as described

Victorian rose garden. Her talk, though informal, is a "speech."

**Example 2.** A nutritionist employed by the National Institutes of Health who is a stand-up comedian by avocation may accept a fee for performing a comedy routine at a dinner theater. His oral remarks do not constitute a speech because they are an incident of his performance using his talent as a comedian. He could not, however, accept compensation for a speech simply because he tells an introductory joke or otherwise amuses his audience.

**Example 3.** A statistician employed by the Department of Labor who is a lay minister may accept a gratuitous payment of \$50 for performing a funeral service since it involves his conduct of a religious ceremony. However, he may not accept a payment for a talk on theology given to other ministers, for offering a prayer at the opening of a convention or for delivering a sermon during a worship service conducted by another minister. He could accept payment for his own conduct of worship services.

**Example 4.** A price analyst employed by the Defense Fuel Supply Agency may accept a fee of \$100 for writing a speech to be delivered by another. The term "speech" includes only oral presentations and does not include writing a speech to be delivered by someone other than the employee. Moreover, the text of a speech is not an article.

**Example 5.** The stage portrayal of Hamlet by an employee of the Department of State does not involve the making of a "speech." He may be paid for his role in the Shakespearean production.

(d) *Article* means a writing, other than a book or a chapter of a book, which has been or is intended to be published or republished in a journal, newspaper, magazine or similar collection of writings. The term does not include works of fiction, poetry, lyrics, or script.

**Example 1.** An employee of the Office of Personnel Management who has reviewed a new book about the New York Yankees may not accept a \$50 honorarium from the publisher of a sports magazine. The book review is an "article."

**Example 2.** The lyrics and music for a college song written by two Department of the Navy attorneys does not constitute an "article." The attorneys could each accept a gratuitous payment of \$50 if the song were selected by their alma mater for publication in its compendium of college songs.

**Example 3.** An engineer employed by the National Aeronautics and Space Administration has entered into a contract with an association of electrical component manufacturers to proofread and edit articles submitted by members of the association for publication in its monthly newsletter. The employee may accept the contract fee since the compensation is not for the writing of articles.

**Example 4.** An accountant employed by the Federal Deposit Insurance Corporation may accept compensation for writing a chapter of a textbook on corporate accounting. A chapter of a book is not an "article."

(e) *Receive* means that there is actual or constructive receipt of the

honorarium by the employee so that the employee has a right to exercise dominion and control over the honorarium and direct its subsequent use. For purposes of this subpart, an honorarium is received while an employee if it is for an appearance or speech made or any article submitted for publication by that individual while he was an employee. Except when it is paid to a charitable organization in accordance with § 2636.204 of this subpart, an honorarium is received by an employee:

- (1) If it is paid to another person on the basis of designation, recommendation or other specification by the employee; or
- (2) If, with the employee's knowledge and acquiescence, it is paid to his parent, sibling, spouse, child or dependent relative.

**Example 1.** At the suggestion of the Army officer who authored an article selected for publication in a popular magazine, the publisher paid the amount of its usual honorarium to the officer's husband. The officer has "received" an honorarium.

**Example 2.** An employee of the Department of Housing and Urban Development has been offered a \$500 honorarium for a speech to be given during the week before his scheduled date of retirement from Federal service. Since it is for a speech to be made while he is an employee, he will have "received" the offered honorarium while an employee even though actual payment may not occur until after his retirement.

(f) *Charitable organization* means an organization which is qualified with respect to deductible charitable contributions under 26 U.S.C. 170(c) because it is organized or operated exclusively for religious, charitable, scientific, literary, educational or another specified purpose, but is not limited to, an organization exempt from Federal taxation under the authority of 26 U.S.C. 501(c)(3).

(g) *Travel expenses* means the actual and necessary cost of transportation, lodging and meals incurred while away from the employee's residence or principal place of employment in connection with an appearance, speech or article. Where the lodgings and meals portion of travel expenses are paid or reimbursed by another in the form of a per diem or subsistence expense allowance, that allowance shall be treated as actual and necessary travel expenses if the allowance is no more than that customarily paid by the payor to its own officers or employees, provided the employee in fact incurs costs for commercial meals and lodgings on each day for which the allowance is received.

§ 2636.204 Payment to charitable organizations in lieu of honoraria.

(a) *Effect of payment to a charitable organization.* An honorarium which, for this subpart, could be paid to an employee but is paid instead on behalf of the employee to a charitable organization is deemed not to be received by the employee. An employee may suggest that an honorarium that he is prohibited from receiving solely by application of this subpart be paid in his name to a charitable organization. An honorarium received and later donated to a charitable organization by the employee does not qualify as a payment to a charitable organization in lieu of an honorarium made in accordance with this section.

**Note:** An employee on whose behalf a payment in lieu of an honorarium has been made to a charitable organization may not take a tax deduction on account of the payment under any provision of the Internal Revenue Code or under any tax law of a State or political subdivision thereof.

(b) *Nonqualifying payments to charitable organizations.* No payment may be made to a charitable organization pursuant to this section:

(1) If the employee would be prohibited from receiving and retaining the honorarium by any conflict of interest statute or regulation or applicable standards of conduct other than this subpart. Honoraria that the employee is prohibited from receiving and retaining would include, for example, any honorarium that is for:

(i) An appearance or speech made or article written by the employee in an official capacity or as part of his official duties; or

(ii) A speech or article, the subject matter of which focuses specifically on agency responsibilities, policies or programs.

(2) In an amount in excess of \$2,000 per appearance, speech, or article; or

(3) If the employee, the employee's parent, sibling, spouse, child, or dependent relative derives any direct financial benefit from the charitable organization that is separate from and beyond any general benefit conferred by the organization's activities.

**Example 1.** An Assistant U.S. Attorney who has successfully prosecuted an espionage case may not suggest that an honorarium offered for his speech about the prosecution be given to his law school. Because the topic of the speech relates to his official duties, he is prohibited from accepting any compensation by applicable standards of conduct. He could, however, suggest that an honorarium offered for his speech on training sheepdogs, be paid to his school.

**Example 2.** A personnel specialist employed by the Department of Labor whose

responsibilities, policies and programs of his employing agency.

(c) As described in subpart C of this part, certain noncareer employees are subject to limitations on their receipt of outside earned income and may not engage in compensated teaching activities without advance approval under § 2836.307 of that subpart.

#### § 2836.203 Definitions.

For purposes of this subpart:

(a) *Honorarium* means a payment of money or anything of value for an appearance, speech or article. The term does not include:

(1) Items that may be accepted under applicable standards of conduct gift regulations if they were offered by a prohibited source;

(2) Meals or other incidents of attendance, such as waiver of attendance fees or course materials furnished as part of the event at which an appearance or speech is made;

(3) Copies of publication containing articles, reprints of articles, tapes of appearances or speeches, and similar items that provide a record of the appearance, speech or article;

(4) Actual and necessary travel expenses for the employee and one relative incurred in connection with an appearance or speech or the writing or publication of an article. Such travel expenses, when paid, reimbursed or provided in kind by another, shall not be counted as part of an honorarium. Where such expenses are not paid or reimbursed, the amount of an honorarium shall be determined by subtracting the actual and necessary travel expenses incurred in connection with the appearance or speech or the writing or publication of the article;

(5) Actual expenses in the nature of typing, editing and reproduction costs incurred in connection with the making of an appearance or speech or the writing or publication of an article, when paid or reimbursed by another;

(6) Compensation for goods or services other than appearing, speaking or writing, even though making an appearance or speech or writing an article may be an incidental task associated with provision of the goods or services;

(7) Salary, wages and other compensation pursuant to an employer's usual employee compensation plan when paid by the employer for services on a continuing basis that involve appearing, speaking or writing. For these purposes, the term "employment" refers to services rendered in the context of an employer-employee relationship. It does not include any arrangement entered into by the employee or another as an

independent contractor or with an agent, speakers bureau or similar entity that facilitates appearances or speaking or writing opportunities;

(8) Compensation for teaching a course involving multiple presentations by the employee offered as part of a program of education or training sponsored and funded by the Federal government or by a state or local government;

(9) Compensation for teaching a course involving multiple presentations by the employee offered as part of the regularly established curriculum of an institution of higher education as defined at 20 U.S.C. 1141(a);

(10) An award for artistic, literary or oratorical achievement made on a competitive basis under established criteria;

(11) Witness fees credited under 5 U.S.C. 5515 against compensation payable by the United States; or

(12) Compensation received for any appearance or speech made or article accepted for publication prior to January 1, 1991, or for any appearance or speech made or article written in satisfaction of the employee's obligation under a contract entered into prior to January 1, 1991.

*Example 1.* An employee of the Department of Agriculture has entered into a contract to develop a complex software package for a private company. The contract, which is for a single fee for all work to be provided under the contract, requires the employee to provide 2 hours of oral instruction on use of the program. He may accept the entire fee for performance under the contract. No part of the fee is an honorarium since the 2 hours of instruction is only incidental to his development and delivery of the software package. He could not, however, receive a fee specifically for 2 hours of oral instruction on the use of a program he had earlier provided under a contract that required only his development of a program.

*Example 2.* A management trainee employed by the Bureau of Indian Affairs is employed two nights a week as a reporter on a local newspaper. He may receive a salary for his continuing employment even though it is in a profession characterized by the writing of articles. He may not, however, accept compensation for newspaper or magazine articles written on a freelance basis or pursuant to a contract to furnish 5 articles over a one year period.

*Example 3.* An economist employed by the Department of the Treasury has entered into an agreement with a speakers bureau to deliver ten after-dinner speeches to be arranged by the speakers bureau over a 6 month period. The employee may not receive the contract fee of \$10,000.

*Example 4.* An attorney employed by the Department of the Air Force may not accept compensation for teaching a two-day seminar on Federal procurement law presented by a publishing company under the sponsorship of

an accredited law school. He may, however, accept compensation for teaching procurement law as part of the law school's regular curriculum of courses.

*Example 5.* An air traffic controller employed by the Federal Aviation Administration has entered into a contract with a magazine publisher to write an article on sheep ranching in New Zealand. In addition to a fee of \$500 for the article, the contract provides that the publisher will provide expenses for the employee to travel to New Zealand to conduct research on sheep ranching. The employee may accept the travel expenses, but not the \$500 fee. In lieu of the \$500 fee, he could not accept expenses to travel to and stay for a weekend in Sydney, Australia after the completion of his research.

*Example 6.* An employee of the National Transportation Safety Board may accept the Pulitzer prize for a series of articles she has written on white collar crime.

(b) *Appearance* means attendance at a public or private conference, convention, meeting, hearing, event or other gathering and the incidental conversation or remarks made at that time. Unless the opportunity was extended to the employee wholly or in part because of his official position, the term does not include performances using an artistic, athletic or other such skill or talent or primarily for the purpose of demonstration or display.

*Example 1.* Because the fee is for an "appearance", an employee of the Securities and Exchange Commission who was responsible for a major securities fraud investigation may not accept a fee for standing in the reception line at the premier of a movie entitled "Junk Bond Scandal."

*Example 2.* A staff member of the National Security Council does not make an "appearance" by playing the piano and singing at a wedding reception and may accept a fee for his performance.

*Example 3.* An employee of the Forest Service does not make an "appearance" by modeling in a fashion show and may accept modeling fee.

(c) *Speech* means an address, oration, or other form of oral presentation, whether made in person, recorded or broadcast. Unless the opportunity was extended to the employee wholly or in part because of his official position, the term does not include the recitation of scripted material, as for a live or recorded theatrical production, or any oral presentation that is an incident of any performance that is excluded from the definition of an *appearance* in paragraph (b) of this section. It does not include the conduct of worship services or religious ceremonies.

*Example 1.* An attorney employed by the Department of Justice may not receive a \$30 honorarium for her informal talk to a local gardening club on how to design and grow a

violate any provision contained in this part.

(2) An advisory opinion may not be obtained for the purpose of establishing:

(i) Whether a particular entity qualifies as a charitable organization to which an honorarium may be paid pursuant to § 2636.204 of this part; or

(ii) Whether a noncareer employee who is subject to the restrictions in subpart C of this part may receive compensation for teaching. An advisory opinion issued under this section may not be substituted for the advance written approval required by § 2636.307 of this part.

(3) The employee's request for an advisory opinion shall be submitted in writing, shall be dated and signed, and shall include all information reasonably available to the employee that is relevant to the inquiry. Where, in the opinion of the agency ethics official, complete information has not been provided, that official may request the employee to furnish additional information necessary to issue an opinion.

(b) *Issuance of advisory opinion.* As soon as practicable after receipt of all necessary information, the agency ethics official shall issue a written opinion as to whether the conduct in issue would violate any provision contained in this part. Where conduct which would not violate this part would violate another statute relating to conflicts of interest or applicable standards of conduct, the advisory opinion shall so state and shall caution the employee against engaging in the conduct.

(1) For the purpose of issuing an advisory opinion, the agency ethics official may request additional information from agency sources, including the requesting employee's supervisor, and may rely upon the accuracy of information furnished by the requester or any agency source unless he has reason to believe that the information is fraudulent, misleading or otherwise incorrect.

(2) A copy of the request and advisory opinion shall be retained for a period of 6 years.

(c) *Good faith reliance on an advisory opinion.* An employee who engages in conduct in good faith reliance upon an advisory opinion issued to him under this section shall not be subject to civil or disciplinary action for having violated this part. Where an employee engages in conduct in good faith reliance upon an advisory opinion issued by an ethics official of his agency to another, neither the Office of Government Ethics nor the employing agency shall initiate civil or disciplinary action under this part for conduct that is indistinguishable in all

material aspects from the conduct described in the advisory opinion.

However, an advisory opinion issued under this section shall not insulate the employee from other civil or disciplinary action if his conduct violates any other laws, rule, regulation or lawful management policy or directive. Where an employee has actual knowledge or reason to believe that the opinion is based on fraudulent, misleading, or otherwise incorrect information, the employee's reliance on the opinion will not be deemed to be in good faith.

(d) *Revision of an ethics opinion.* Nothing in this section prohibits an agency ethics official from revising an ethics opinion on a prospective basis where he determines that the ethics opinion previously issued is incorrect, either as a matter of law or because it is based on erroneous information.

#### § 2636.104 Civil, disciplinary and other action.

(a) *Civil action.* Except when the employee engages in conduct in good faith reliance upon an advisory opinion issued under § 2636.103 of this subpart, an employee who accepts an honorarium or engages in any other conduct in violation of the prohibitions, limitations and restrictions contained in this part may be subject to civil action under 5 U.S.C. app. 504(a) and a civil penalty of not more than \$10,000 or the amount of compensation the individual received for the prohibited conduct, whichever is greater. Knowing and willful failure to file the report required by § 2636.205 of this part or falsification of information thereon may subject an employee to a civil penalty of not more than \$10,000 under 5 U.S.C. app. 104(a).

(b) *Disciplinary and corrective action.* An agency may initiate disciplinary or corrective action against an employee who violates any provision of this part, which may be in addition to any civil penalty prescribed by law. When an employee engages in conduct in good faith reliance upon an advisory opinion issued under § 2636.103 of this subpart, an agency may not initiate disciplinary or corrective action for violation of this part. Disciplinary action includes reprimand, suspension, demotion and removal. Corrective action includes any action necessary to remedy a past violation or prevent a continuing violation of this part, including but not limited to restitution or termination of an activity. It is the responsibility of the employing agency to initiate disciplinary or corrective action in appropriate cases. However, the Director of the Office of Government Ethics may order corrective action or recommend disciplinary action under the procedures

at part 2638 of this subchapter. The imposition of disciplinary action is at the discretion of the employing agency.

(c) *Late Filing Fee.* An employee may be assessed a late filing fee of \$200 under 5 U.S.C. app. 104(d) for any report of payments to charitable organizations in lieu of honoraria required by § 2636.205 of this part that is filed more than 30 days after the date the report is due.

(d) *Criminal penalties.* An employee who knowingly and willfully falsifies information on a report of payments to charitable organizations in lieu of honoraria required by § 2636.205 of this part may be subject to criminal prosecution and sentencing under 18 U.S.C. 1001 and 3571.

#### Subpart B—The Honorarium Prohibition; Confidential Reporting of Payments to Charities in Lieu of Honoraria

##### § 2636.201 General standard.

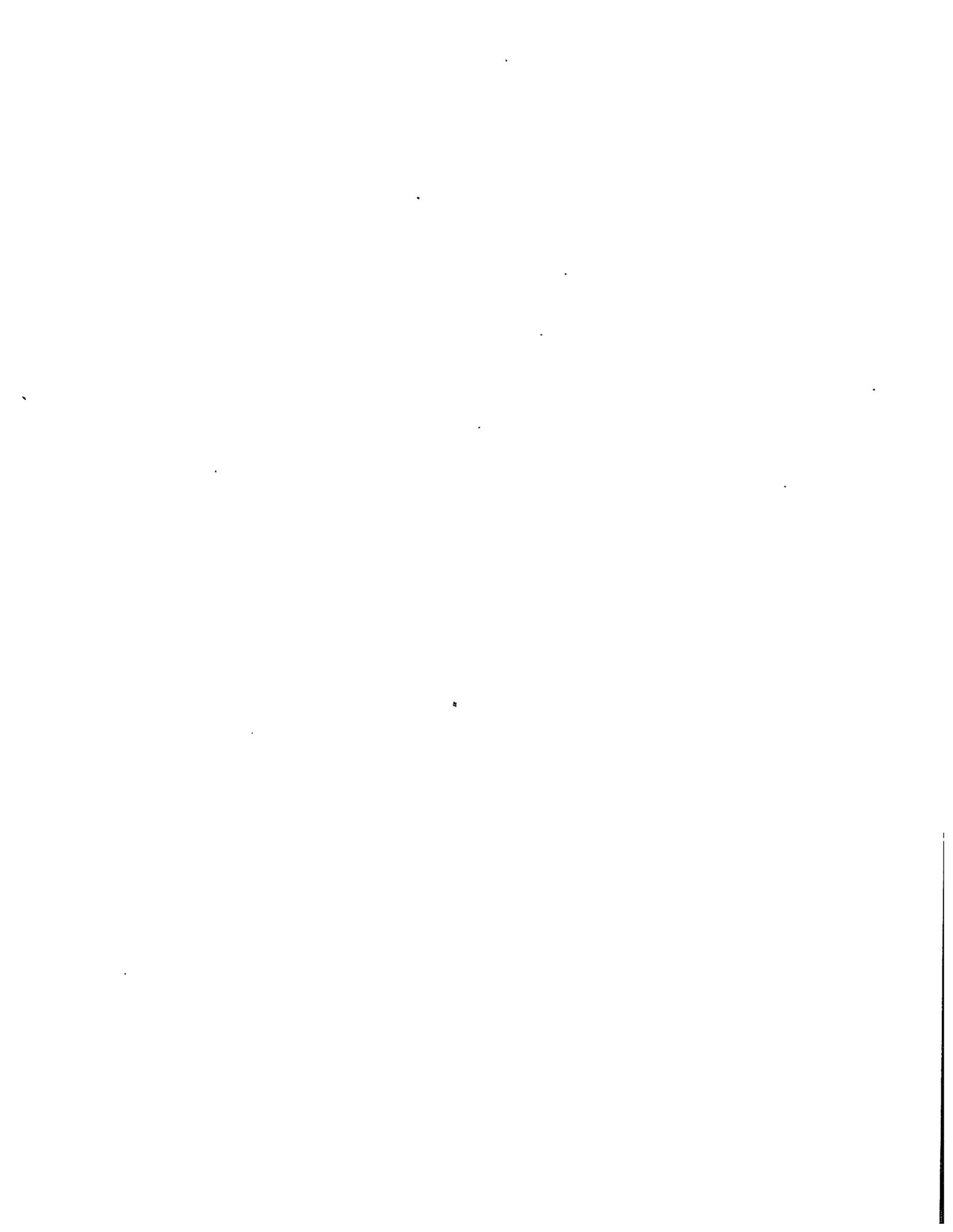
An individual may not receive any honorarium while that individual is an employee.

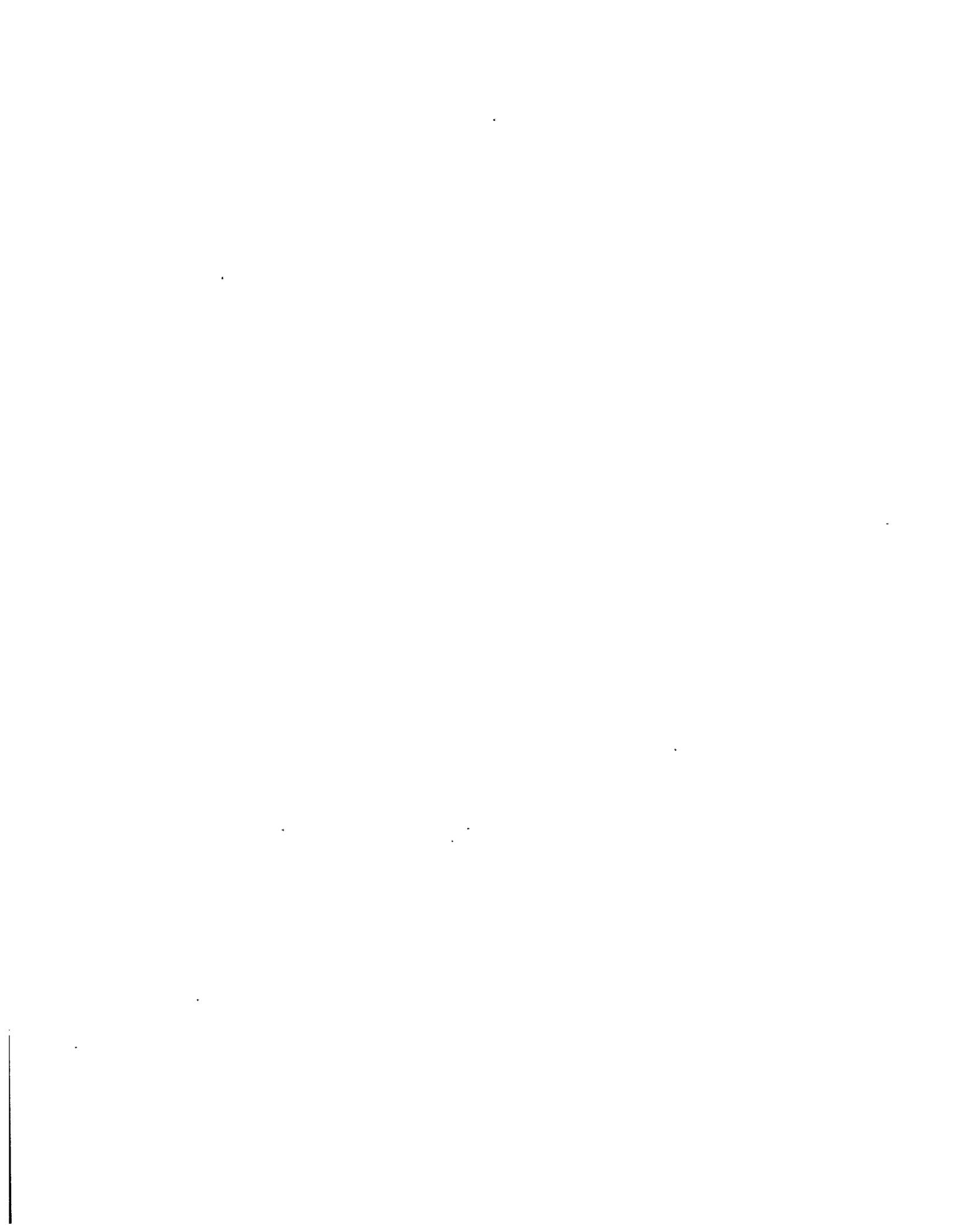
##### § 2636.202 Relationship to other laws and regulations.

The honorarium prohibition described in this subpart is in addition to any restriction on appearances, speaking or writing or the receipt of compensation therefor to which an employee is subject under applicable standards of conduct or by reason of any statute or regulation relating to conflicts of interests. Even though compensation for an activity is not prohibited by this subpart, an employee should accept compensation, including travel expenses, or engage in the activity for which compensation is offered, only after determining that it is not prohibited by the following:

(a) An employee is prohibited by criminal statute and by the standards of conduct at part 735 of this title and agency implementing regulations from accepting compensation for an appearance or speech made or an article written in his official capacity or as part of his official duties. Unless specifically authorized by a statute, such as 5 U.S.C. 4111, 5 U.S.C. 7342, or 31 U.S.C. 1353, this prohibition applies to the acceptance of travel expenses paid other than by the United States Government.

(b) An employee is prohibited by the standards of conduct from receiving compensation, including travel expenses, for speaking or writing on subject matter that focuses specifically on his official duties or on the





rule. Comments are due February 19, 1991.

#### *E.O. 12291. Federal Regulation*

As Director of the Office of Government Ethics, I have determined that this is not a major rule as defined under section 1(b) of Executive Order 12291.

#### *Regulatory Flexibility Act*

As Director of the Office of Government Ethics, I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it affects only Federal employees.

#### *Paperwork Reduction Act*

This OGE interim rule to be codified at 5 CFR 2636.205 contains an information collection requirement subject to review and approval by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35). The annual public reporting burden for this collection is estimated to be 200 hours, based on an estimated 400 non-Federal employee (terminee) filers per year with an average response time for each report form of one half hour (see also the discussion of the future implementing standard report form below). As required by the Paperwork Reduction Act, the Office of Government Ethics is submitting to the Office of Management and Budget (OMB) a request that it approve this information collection requirement. Agencies, organizations or individuals desiring to submit comments for consideration by OMB on this information collection requirement should address them to the Office of Information and Regulatory Affairs, OMB, room 3002, New Executive Office Building, Washington, DC 20503; Attention: Mr. Joseph Lackey.

In addition, the future implementing standard report form referred to in § 2636.205 will actually collect the information from some private citizens (former agency employees who file termination reports after leaving Government service, see estimate above), as well as primarily from current Federal executive branch officials (incumbents and those about to leave Government). Thus, OGE will also submit the proposed standard form (which will be adopted separately from, and subsequently to, this rulemaking) to the Office of Management and Budget for paperwork reduction review and approval. In addition, OGE will submit the form to the General Services Administration for standard form review and approval.

#### List of Subjects in 5 CFR Part 2636

Conflict of interests, Government employees. Reporting and recordkeeping requirements.

Approved: January 10, 1991.

Stephan D. Potts,

Director, Office of Government Ethics.

Accordingly, for the reasons set forth in the preamble and pursuant to its authority under the Ethics in Government Act of 1978, as amended by the Ethics Reform Act of 1989, and under Executive Order 12874, as modified by E.O. 12731, the Office of Government Ethics is adding a new part 2636 to 5 CFR to read as follows:

#### **PART 2636—LIMITATIONS ON OUTSIDE EMPLOYMENT AND PROHIBITION OF HONORARIA; CONFIDENTIAL REPORTING OF PAYMENTS TO CHARITIES IN LIEU OF HONORARIA**

##### **Subpart A—General Provisions**

Sec.	Purpose.
2636.101	Purpose.
2636.102	Definitions.
2636.103	Advisory opinions.
2636.104	Civil, disciplinary and other action.

##### **Subpart B—The Honorarium Prohibition; Confidential Reporting of Payments to Charities in Lieu of Honoraria**

2636.201	General Standard.
2636.202	Relationship to other laws and regulations.
2636.203	Definitions.
2636.204	Payments to charitable organizations in lieu of honoraria.
2636.205	Reporting payments to charitable organizations in lieu of honoraria.

##### **Subpart C—Outside Earned Income Limitation and Employment and Affiliation Restrictions Applicable to Certain Noncareer Employees**

2636.301	General standards.
2636.302	Relationship to other laws and regulations.
2636.303	Definitions.
2636.304	The 15 percent limitation on outside earned income.
2636.305	Compensation and other restrictions relating to professions involving a fiduciary relationship.
2636.306	Compensation restriction applicable to service as an officer or member of a board.
2636.307	Requirement for advance authorization to engage in teaching for compensation.

Authority: 5 U.S.C. appendix 102(a)(1)(A), appendix IV and appendix 501-505; E.O. 12874, 54 FR 15159, 5 CFR 1990 Comp., p. 215, as modified by E.O. 12731, 55 FR 42347.

##### **Subpart A—General Provisions**

###### **§ 2636.101 Purpose.**

This part is issued under authority contained in titles II and VI of the Ethics

Reform Act of 1989 (Pub. L. 101-194, as amended), amending the Ethics in Government Act of 1978, and contains regulations that implement the following:

(a) The prohibition at 5 U.S.C. app. 501(b) against receipt of honoraria and the provisions of 5 U.S.C. app. 501(c) whereby payments may be made to charitable organizations in lieu of honoraria;

(b) The confidential reporting requirement at 5 U.S.C. app. 102(a)(1)(A) applicable to payments made to charitable organizations in lieu of honoraria; and

(c) The 15 percent outside earned income limitation at 5 U.S.C. app. 501(a) and the limitations at 5 U.S.C. app. 502 on outside employment and affiliation applicable to certain noncareer employees.

###### **§ 2636.102 Definitions.**

The definitions listed below are of general applicability to this part. Additional definitions of narrower applicability appear in the subparts or sections of subparts to which they apply. For purposes of this part:

(a) *Agency ethics official* refers to the designated agency ethics official and to any deputy ethics official described in § 2636.204 of this subchapter to whom authority to issue advisory opinions under § 2636.103 of this part or to receive and review reports of honoraria recipients under § 2636.204 of this part has been delegated by the designated agency ethics official.

(b) *Designated agency ethics official* refers to the official described in § 2636.201 of this subchapter.

(c) *Employee* means any officer or employee of the executive branch, other than a special Government employee as defined in 18 U.S.C. 202. It includes officers but not enlisted members of the uniformed services as defined in 5 U.S.C. 2101(3). It does not include the President or Vice President.

(d) *Executive branch* includes each executive agency as defined in 5 U.S.C. 105 and any other entity or administrative unit in the executive branch. However, it does not include any agency that is defined by 5 U.S.C. app. 109(11) as within the legislative branch.

(e) The terms *he*, *his*, and *him* include "she," "hers" and "her."

###### **§ 2636.103 Advisory opinions.**

(a) *Request for an advisory opinion.*  
(1) An employee may request an advisory opinion from an agency ethics official as to whether specific conduct which has not yet occurred would

applicable to a current or former employee who is required to file a confidential or public financial disclosure report and on whose behalf a payment in lieu of an honorarium is made to a charitable organization. The reason for the delayed effective date of § 2636.205 of the interim rule is to allow time for Office of Management and Budget (OMB) review and approval under the Paperwork Reduction Act of the reporting requirement thereunder. Further, an implementing standard form for reporting payments to charitable organizations in lieu of honoraria will be issued and made available through the General Services Administration (GSA) after the Office of Government Ethics obtains GSA standard form review and approval and OMB Paperwork Reduction Act review and approval of the new form. Since the new law requiring reporting of such payments takes effect January 1, 1991, reports filed on the standard form once § 2636.205 becomes effective must cover the period January 1, 1991, to the date of filing.

Section 501(a) imposes a per annum limitation on outside earned income applicable to certain noncareer officers and employees whose rates of basic pay are equal to or greater than the rate of basic pay in effect for grade GS-16 of the General Schedule. As described more fully in the interim rule at § 2636.304, the per annum limitation is a dollar amount equal to 15 percent of the rate of pay for level II of the Executive Schedule in effect on January 1 of the year in question. For purposes of applying the 15 percent limitation and other restrictions applicable to noncareer officers and employees, the terms "outside earned income" and "compensation" are both defined in the interim rule at § 263.303(b) using concepts similar in some respects to those that had been used to implement the outside earned income limitation earlier imposed by section 210 of the Ethics in Government Act of 1978. Section 210 will be repealed effective January 1, 1991, under the Ethics Reform Act of 1989.

The class of noncareer employees who are subject to the 15 percent outside earned income limitation is defined in the interim rule at § 2636.303(a) to include those paid at or above the triggering rate, currently that for GS-16, step 1, who are appointed by the President to positions under the Executive Schedule, 5 U.S.C. 5312 through 5317, or to positions that, by statute or as a matter of practice, are filled by Presidential appointment, other than positions in the uniformed services and within the foreign service below the

level of Assistant Secretary or Chief of Mission. These provisions also apply to all noncareer members of the Senior Executive Service or of other SES-type systems, as well as to employees serving in Schedule C or noncareer executive assignment positions who are paid at or above the triggering rate. Where the pay criterion is met, the class also includes individuals appointed to positions under agency-specific statutes that establish appointment criteria essentially the same as those for Schedule C or noncareer executive assignment positions. The class of employees subject to this limitation includes certain Presidential appointees to full-time noncareer positions who are prohibited from receiving any outside earned income by Section 102 of Executive Order 12674, as modified by Executive Order 12731 dated October 17, 1990.

Under the Federal Employees Pay Comparability Act of 1990, Public Law 101-508, General Schedule positions at GS-16, 17 and 18 will be replaced by a new range of rates for positions classified "above GS-15." The pay for these positions may be no less than 120 percent of the rate for GS-15, step 1. When this provision of the Pay Comparability Act takes effect, this minimum rate for positions classified "above GS-15" will replace GS-16, step 1 as the rate that triggers application of the 15 percent outside earned income limitation. For purposes of determining whether an individual's rate of basic pay equals or exceeds the triggering rate, adjustments, such as those for locality pay authorized by the Comparability Act, will be disregarded.

Under section 502, noncareer officers and employees who are subject to the 15 percent outside earned income limitation are also prohibited from receiving compensation for practicing a profession which involves a fiduciary relationship or affiliating with or being employed by a firm or other entity which provides professional services involving a fiduciary relationship. They are also prohibited from allowing their name to be used by any such entity. These restrictions are implemented in the interim rule at § 2636.305. The following excerpt from the report of the Bipartisan Task Force on Ethics that recommended the legislation addresses the meaning of the phrase "profession involving a fiduciary relationship":

"The task force notes that a 'fiduciary' is generally described as one 'having a duty, created by his undertaking, to act primarily for another's benefit in matters connected with such undertaking' (*Black's Law Dictionary*, 5th Ed. 583). However, the task force intends that the term 'fiduciary' not be

applied in a narrow, technical sense and wants to ensure that honoraria not reemerge in various kinds of professional fees from outside interests. The task force intends the ban to reach, for example, services such as legal, real estate, consulting and advising, insurance, medicine, architecture or financial . . . 136 Cong Rec H9257 (daily ed November 21, 1989)

The interim rule at § 2636.305(b) adopts an interpretation of the phrase "profession involving a fiduciary relationship" that is intended to carry out the legislative intent to give these restrictions a broad rather than narrow application.

Noncareer officers and employees who are subject to the 15 percent outside earned income limitations are also prohibited by section 502 from receiving compensation for serving as an officer or member of the board of any association, corporation or other entity and from receiving compensation for teaching without the prior notification and approval of the designated agency ethics official. The interim rule at § 2636.306 makes it clear that the former prohibition applies to compensated service with nonprofit as well as for-profit entities and, at § 2636.307, sets forth procedures by which covered noncareer employees may seek advance authorization to engage in teaching for compensation.

## B. Matters of Regulatory Procedure *Administrative Procedure Act*

Pursuant to section 553(b) of title 5 of the United States Code, as the Director of the Office of Government Ethics I have found that good cause exists for waiving the general requirements of notice of proposed rulemaking and 30 day delayed effective date (except for interim rule § 2636.205, see below) These requirements are being waived because the provisions of 5 U.S.C. app. 501 through 505 are effective January 1, 1991. Because violation of the prohibitions and limitations imposed by sections 501 and 502 can result in fines of \$10,000 or the amount of compensation received for the prohibited conduct, whichever is greater, there is a need for an interim regulation effective January 1, 1991. However, the reporting provisions of § 2636.205 will not become effective until May 15, 1991, in order to allow time for OMB review and approval of the reporting requirement as well as OMB and GSA review and approval of the future implementing standard report form that will actually collect the specified information. Any comments received in response to this interim rule will be considered in formulating a final

# Rules and Regulations

Federal Register

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Thursday, January 17, 1991

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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## OFFICE OF GOVERNMENT ETHICS

### 5 CFR Part 2636

RIN 3209-AA13

#### Limitations on Outside Employment and Prohibition of Honoraria; Confidential Reporting of Payments to Charities in Lieu of Honoraria

**AGENCY:** Office of Government Ethics.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** The Office of Government Ethics is issuing a new part 2636 of title 5 of the Code of Federal Regulations to implement 5 U.S.C. app. 501 through 505, as added by title VI of the Ethics Reform Act of 1989, and the related reporting requirement contained in 5 U.S.C. app. 102(a)(1)(A), as added by title II of the Reform Act. As applied to the executive branch, section 501(b) prohibits the receipt of any honorarium by any officer or employee, other than a special Government employee. Section 501(c) permits certain payments in lieu of honoraria to be made to qualifying charitable organizations. The officer or employee on whose behalf a payment to a charitable organization is made is required by section 102(a)(1)(A) to file a confidential report identifying the charitable recipients. Section 501(a) and 502 impose a number of additional limitations and restrictions that apply to certain senior-level noncareer officers and employees. These include a per annum limitation on the receipt of outside earned income; compensation and other restrictions applicable to professions which involve a fiduciary relationship; a restriction on receipt of compensation for serving as an officer or member of the board of any association, corporation or other entity; and a requirement to obtain advance authorization to engage in teaching for compensation. These provisions take

effect on January 1, 1991. Sections 501 through 505 cease to be effective if the salary increase provisions of section 703 of the Ethics Reform Act of 1989 are repealed.

**DATES:** Interim regulation effective January 1, 1991, except § 2636.205 which will be effective May 15, 1991, after review and approval by the Office of Management and Budget in accordance with the Paperwork Reduction Act. Comments by agencies and the public are invited and must be received by February 19, 1991.

**ADDRESSES:** Comments on this interim regulation should be sent to the Office of Government Ethics, suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917, Attention: Ms. Wilcox. Any comments on the reporting requirements under § 2636.205 should additionally be filed with the Office of Management and Budget (see the "Paperwork Reduction Act" discussion below).

**FOR FURTHER INFORMATION CONTACT:** Leslie Wilcox, Office of Government Ethics, telephone (202/FTS) 523-5757, FAX (202/FTS) 523-6325.

#### SUPPLEMENTARY INFORMATION:

##### A. Summary of Legal Background

This interim rule, published by the Office of Government Ethics following consultation with the Attorney General and Office of Personnel Management, implements the provisions of title V of the Ethics in Government Act of 1978, as amended by title VI of the Ethics Reform Act of 1989 (Pub. L. 101-194, 103 Stat. 1716, as amended by Pub. L. 101-280, 104 Stat. 149) and the related reporting requirement added by title II of the Ethics Reform Act of 1989. Title V amends title 5 of the United States Code to include new appendix sections 501 through 505, which impose prohibitions, limitations and restrictions applicable to personnel in all three branches of Government. Title II amends the financial disclosure provisions of the Ethics in Government Act of 1978 to include a new requirement at 5 U.S.C. app. 102(a)(1)(A) to report donations to charitable organizations in lieu of honoraria. None of these sections apply to special Government employees, to enlisted members of the uniformed services or to individuals whose compensation is disbursed by the Secretary of the Senate. Section 503(2) gives the Office of Government Ethics

authority to issue regulations with respect to officers and employees of the executive branch. The provisions of 5 U.S.C. app. 102(a)(1)(A) and 501 through 505 become effective January 1, 1991. Under section 603 of the Ethics Reform Act of 1989, section 501 through 505 cease to be effective if the pay increase provisions of section 703 of that Act are subsequently repealed, in which case the laws in effect before such amendments shall be deemed to be reenacted.

Section 501(b) prohibits an individual from receiving any honorarium while that individual is a Member, officer or employee. The term "honorarium" is defined in section 505 to mean "a payment of money or anything of value for an appearance, speech or article" and to exclude certain actual and necessary travel expenses. The interim rule at § 2636.203 further defines the term "honorarium" and includes definitions of the relevant terms "appearance," "speech," and "article." These definitions are similar but not identical to the definitions contained in the Federal Elections Commission regulations at 11 CFR 110.12 implementing the honoraria restrictions imposed by 2 U.S.C. 441i. As amended by the Ethics Reform Act of 1989, 2 U.S.C. 441i will not apply on or after January 1, 1991 to individuals who are subject to this interim rule.

Section 501(c) provides that an honorarium that an officer or employee might receive but for the prohibition in section 501(b) may be paid on his or her behalf to a qualifying charitable organization. An honorarium paid to a charitable organization under this authority is deemed not to have been received by the officer or employee. The interim rule at § 2636.204(b) stresses that a payment may be made to a charitable organization in lieu of an honorarium only if the honorarium is one the employee could accept without violating applicable standards of conduct or any other conflict of interest statute. Thus, an employee who gives a speech as part of his official duties may not, in view of the supplementation of salary prohibition at 18 U.S.C. 208, suggest that an honorarium offered for that speech be given instead to a charitable organization. The interim rule at § 2636.205, effective May 15, 1991, also will implement the reporting requirement of 5 U.S.C. app. 102(a)(1)(A)

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Requests must include "all information reasonably available to the employee that is relevant to the inquiry." See 5 C.F.R. §2636.103. An employee who engages in the conduct in good faith reliance on my written opinion is not subject to civil or disciplinary action for violating the regulations.

Please call me at FTS 475-8064 or Don Nantkes at FTS 382-4550 if you have any questions.

Attachment

cc: Office of Government Ethics

pay is equal to or greater than the annual rate of basic pay \* \* \* for grade GS-16 of the General Schedule" may not receive earned income which exceeds 15% of the annual pay rate for Executive Level II. In EPA, this restriction affects confirmed Presidential appointees,<sup>6</sup> noncareer SES employees and any Schedule C employees or Public Health Service officers and other uniformed service personnel who meet the salary threshold.<sup>7</sup> See 5 C.F.R. §2636.304. It does not affect any employee, career or noncareer, through grade GS/GM-15.

#### Outside Employment Limitations

"Noncareer" employees paid at or above the basic rate for GS-16 may not accept compensation for: (1) affiliations with entities which perform "fiduciary" services, (2) permitting their names to be used by such entities, (3) practicing "a profession which involves a fiduciary relationship," (4) service as an officer or board member of any entity (regardless of whether it performs fiduciary services or is for-profit) and (5) teaching (unless the Designated Agency Ethics Official has approved in writing). See 5 C.F.R. Part 2636, Subpart C.

\* \* \*

Violation of the restrictions discussed above is subject to a civil penalty of not more than \$10,000 or the amount of compensation received, whichever is greater. Delay of more than 30 days in filing a report of a designation of a charity to receive an honorarium is subject to a "late filing fee" of \$200 and "knowing and willful" failure to file is subject to a civil penalty of not more than \$10,000. "Knowing and willful" falsification of a report is also subject to criminal prosecution under 18 U.S.C. §§1001 and 3571. Of course, administrative disciplinary action may also be taken.

Employees are specifically authorized to request, in writing, advisory opinions as to whether specific future conduct may violate these regulations or other restrictions.

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<sup>6</sup> Presidential appointees are prohibited by Executive Order from receiving any outside earned income in any event.

<sup>7</sup> This restriction does not apply to "administratively determined" positions established under the Safe Drinking Water Act provision at 42 U.S.C. §300j-10 because the criteria for appointment to these positions are not "essentially the same" as the criteria for appointment to Schedule C positions or "noncareer executive assignment positions." Appointment and assignment of "administratively determined" personnel is entirely discretionary. See 5 C.F.R. §2636.303(a).

### Directing Payments to Charity

Employees are permitted in limited circumstances to direct that an honorarium of \$2000 or less be paid to charity in lieu of accepting it. As a general rule, this practice is impermissible where an applicable standard of conduct other than the new OGE regulation would bar acceptance of compensation in the absence of the statutory restriction. See 5 C.F.R. §2636.204(b)(1). For example, an employee may not direct that an honorarium for a speech or appearance which focuses on EPA responsibilities, policies or programs be paid to charity. In addition, since Executive Order 12674 of April 12, 1989, bars Presidential appointees from having any outside earned income, including honoraria, such appointees may not direct that an honorarium be paid to charity.

### Annual Reports of Honoraria Directed to Charity

Effective May 15, 1991, any current or former employee who is required to file a public or confidential financial statement (or an updated statement) must simultaneously submit a confidential report of the details of any payment to charity in lieu of an honorarium. AN EMPLOYEE WHOSE REPORT IS MORE THAN 30 DAYS LATE MAY BE ASSESSED A \$200 FILING FEE UNDER 5 U.S.C. APP. 104(d). See 5 C.F.R. §2636.205 and 56 Fed. Reg. 1721. The Office of Government Ethics is preparing a form for reporting this information, and we will provide copies to you as soon as they are available.

Deputy Ethics Officials are hereby delegated the responsibility for collecting and reviewing reports from employees in their organizations. On August 15 of each year, I am required to forward to the Office of Government Ethics all reports filed by EPA employees during the preceding year. DEOs should send copies of all reports to me as soon as they have been reviewed. See 5 C.F.R. §2636.205.

### RULES WHICH APPLY ONLY TO NON-CAREER EMPLOYEES

#### 15 Percent Earned Income Limit

A "noncareer officer or employee \* \* \* whose rate of basic

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travel expenses. These rules will change soon because the Ethics in Government Act of 1989 authorized the General Services Administration to define circumstances in which employees or agencies may accept official travel expenses. Interim regulations authorizing agencies to implement this authority by accepting travel expenses for meetings, conferences and seminars from any source were published March 8, 1991, at 56 Fed. Reg. 9878.

It is also important to recognize that, even if the statute prohibiting employees from accepting honoraria had not been enacted or were repealed, OGE would still interpret the general prohibition against "using public office for private gain"<sup>3</sup> as prohibiting the acceptance of payment, including travel expenses, for any appearance, speech or article--

that focuses specifically on [the employee's] official duties or on the responsibilities, policies and programs of his employing agency. [5 C.F.R. §2636.202(b)]<sup>4</sup>

In the introductory language to Section 2636.202, OGE explained that--

the honorarium prohibition \* \* \* is in addition to any restriction on appearances, speaking or writing or the receipt of compensation therefor to which an employee is subject under applicable standards of conduct or by reason of any statute or regulation relating to conflicts of interest. \* \* \*

#### Travel Reimbursement

Employees may not accept non-official travel expenses when the subject of an appearance or speech focuses specifically on the employee's official duties or on EPA's responsibilities, policies and programs. With the required prior approvals, employees may continue to accept travel reimbursement for official travel from 501(c)(3) organizations, international organizations, foreign governments and certain other organizations.<sup>5</sup>

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<sup>3</sup> See 40 C.F.R. §3.103.

<sup>4</sup> Consistent with an earlier OGE memorandum (Informal Opinion 85-18 of October 28, 1985), EPA Ethics Advisory 89-23 (Feb. 9, 1990) reached a similar conclusion about accepting pay for such activities. However, the Ethics Advisory suggests that accepting travel expenses may be permissible even where employees cannot accept payment for "speeches, articles, testimony or public appearances." Ethics Advisory 89-23 will therefore be reissued with a modification to reflect that the OGE rule prohibits acceptance of non-official travel expenses for appearances or speeches which focus on EPA responsibilities, policies or programs.

<sup>5</sup> See 40 C.F.R. §3.504 and EPA Ethics Advisories 84-14 (July 18, 1984), 84-17 (Sept. 13, 1984) and 89-13 (May 24, 1989) for a discussion of when EPA employees may accept official

The "Definitions" provision in Section 2636.203 nonetheless provides a number of exceptions. For example, employees may accept:

\* Compensation for writing an article that is published in other than a journal, newspaper, magazine or similar collection of writings. 5 C.F.R. §2636.203(d).

\* Compensation for where appearing, speaking or writing is only "incidental" to providing goods or services. 5 C.F.R. §2636.203(a)(6).

\* Compensation for "services on a continuing basis" in the context of an employer/employee relationship even if the services involve appearing, speaking or writing. 5 C.F.R. §2636.203(a)(7).

\* Compensation for teaching courses "involving multiple presentations" sponsored and funded by a federal, state or local government agency or as part of the "regularly established curriculum" of an institution of higher education. 5 C.F.R. §2326.203(a)(8) and (a)(9). ("Courses" must be distinguished from short-term "seminars.") See Example 4.

\* Competitively awarded prizes for artistic, literary or oratorical achievement may be accepted. 5 C.F.R. §2636.203(a)(10).

\* Witness fees credited against compensation payable to the government under 5 U.S.C. §5515. 5 C.F.R. §2336.203(a)(11).

\* Compensation for appearances, speeches or articles made or accepted for publication before January 1, 1991, or for appearances, speeches or articles made or performed in satisfaction of a contract entered into before January 1, 1991. 5 C.F.R. 2636.203((a)(12).

\* Compensation for artistic or athletic performances, theatrical productions or demonstrations or display of skill or talent. 5 C.F.R. §2636.203(b) and (c).

\* Pay for regularly providing worship services and religious ceremonies. 5 C.F.R. §2636.203(c), but see Example 3.

\* Compensation for writing books or chapters of books, works of fiction or poetry, musical lyrics, or scripts for theatrical or screen productions. 5 C.F.R. §2636.203((d).

It is important to remember that the prohibition applies only to receipt of compensation for an "appearance, speech or article." Other outside employment permissible under 40 C.F.R. Part 3, Subpart E, is unaffected.

From: Mike Walker (MWALKER)  
To: BVANHEUV  
Date: Friday, January 31, 1992 8:57 am  
Subject: ADJUNCT TEACHING POSSIBILITIES

I note from the RCRA weekly report that ~~FOIA ExC~~ i is teaching at ~~FOIA ExC~~ University. While I welcome the opportunity for EPA attorneys to teach and get familiar with all aspects of the federal environmental constellation, I want to raise a gentle concern that if any money changes hands, we may have a potential problem.

In the past, both Ed and Fred have denied folks the ability to take annual leave to teach courses for money. While this is an evening course (and I do not know if any funds are involved) With ~~FOIA ExC~~ teaching assignment circulating within OE, requests for similar treatment may be made.

FYI



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 02 1991

OFFICE OF  
GENERAL COUNSEL

EPA Ethics Advisory 91-1

**SUBJECT:** New Honoraria and Outside Employment Rules -  
Transmittal of Interim OGE Regulation

**FROM:** Gerald H. Yamada *Gerald H. Yamada*  
Deputy General Counsel  
Designated Agency Ethics Official

**TO:** Deputy Ethics Officials

On January 17, 1991, the Office of Government Ethics (OGE) published "an interim rule with request for comments" to implement the "honorarium prohibition" and the "outside earned income and employment" rules which went into effect on January 1, 1991. A copy of the regulation is attached.

The paragraphs below highlight some key points of the new OGE rule.

RULES WHICH APPLY TO ALL EMPLOYEES

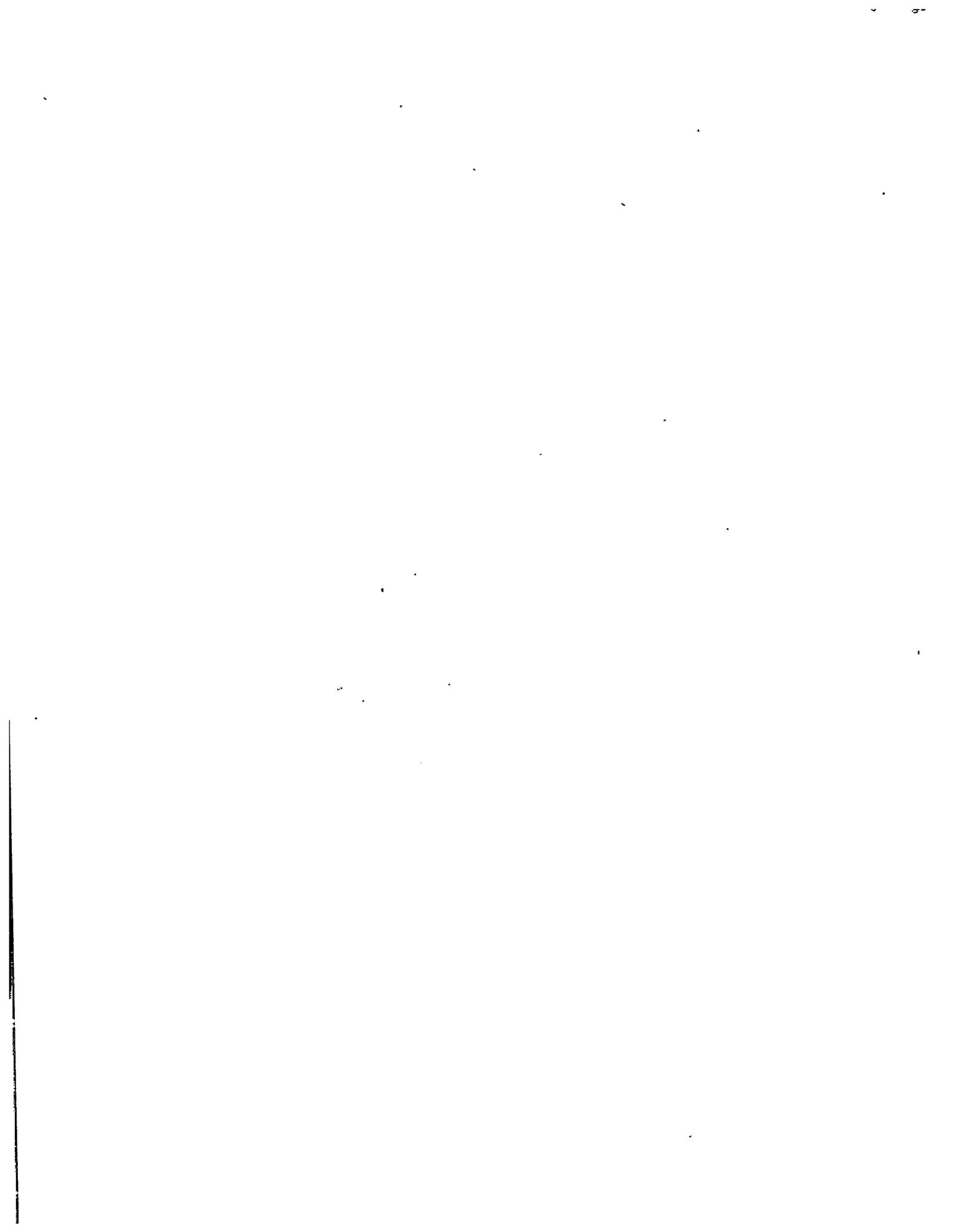
Honorarium Prohibition

Since January 1, 1991, all "regular" employees,<sup>1</sup> including Public Health Service officers, have been barred from accepting an "honorarium" for any "appearance, speech or article," regardless of whether such outside activity relates to Government employment.<sup>2</sup> For example, an employee may not accept compensation for expert witness service on any subject or even for a speech "on how to design and grow a Victorian rose garden." See 5 C.F.R. §2636.203(c), Example 1.

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<sup>1</sup> "Special Government employees," that is, persons hired to perform temporary or intermittent service for no more than 130 days in any 365 day period, are not covered.

<sup>2</sup> This new rule was discussed in EPA Ethics Advisories 89-21 and 90-11, and copies of an Office of Government Ethics memorandum explaining the honorarium restriction were provided to Presidential appointees, Associate Administrators and Regional Administrators on December 30, 1990. A summary of the honorarium restriction was provided to all EPA employees by memorandum dated January 4, 1991.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF ENFORCEMENT

NOV 5 1991

MEMORANDUM

SUBJECT: Request for Approval of Outside Employment

FROM: FOIA EX 6, Acting Chief *[Signature]*  
Central & Northwestern Branch  
Office of Enforcement, RCRA Division

TO: Edward E. Reich, Deputy Ethics Official

By this memorandum, I am requesting approval to engage in outside employment. Specifically, I have been offered a position as an Adjunct Professor of Law at the FOIA EX 6; School of Law at FOIA EX 6 University. The position would involve teaching Environmental Law during the Spring 1992 Semester, beginning on January 9, 1992. Although I have not yet received any official documentation memorializing this arrangement, Associate Dean G FOIA EX 6 has informed me that the compensation for this teaching position equals EX 6 /credit hour. Since this is a 3-credit hour course, I expect that the total compensation is FOIA EX 6. The course would not be taught during work hours, but instead it will be conducted on Tuesday and Thursday evenings at 6:20-7:35. Please feel free to contact me at 260-3072 if you have any questions.

cc: Kathie Stein  
Susan O'Keefe





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

**MEMORANDUM**

To: Nancy Marvel  
Regional Counsel  
Deputy Ethics Official  
Region IX

From: FOIA EXL  
RCEC  
Region IX  
14

Date: August 4, 2008

Re: Request for Approval of an Outside Activity

The purpose of this memorandum is to request approval for an outside activity with the State Bar of California. Below is the information requested in 5 CFR § 6401.103 (b):

- (1) FOIA EXL RCEC, 14:
- (2) *Moderating a panel at the upcoming Environmental Law Conference at [redacted] on Sunday, October 19, 2007, as well as attending the Environmental Law Executive Committee Meeting.*
- (3) *The State Bar of [FOIA EXL] Environmental Law Section.*
- (4) *The conference is three days – Friday through Sunday.*
- (5) *Although most of the service would be outside normal work hours (as Friday is my normal day off), I would need to travel on Thursday.*
- (6) *The State Bar of [FOIA EXL] will pay my travel expenses (mileage or airfare) plus one night of hotel fare for participating in the Executive Committee meeting. In addition, for moderating the panel, they will pay an additional night of hotel fare, at the standard State Bar rate.*
- (7) *Other than the occasional use of e-mail, no EPA resources have been utilized to prepare for this meeting or panel.*

you may identify yourself as an EPA Region 9 employee only if you include your title or position as one of several biographical details. For example, you may not introduce yourself at the Yosemite Conference solely as an EPA Region 9 attorney. However, you may mention that you are an EPA Region 9 attorney only if you include several other biographical details such as your educational background, work history, a publication list, etc. In addition, your official title may not be used in connection with any activities you perform as an advisor to the State Bar.

Note also that under the general standards of conduct regulations in Part 2635 you must undertake outside employment activities only on your own time (including duly approved annual leave or compensatory time), away from EPA premises, and without the use of any government personnel or government property such as telephones, office supplies, or office machines. Therefore, you must request annual leave for Thursday, October 18, 2007, the day you will travel to. FOIA Ex. 6.

This approval is valid for this request only. In the event that you decide to continue these outside activities beyond this date, you must submit another request for administrative approval prior to engaging in any activities as an advisor to the State Bar. Please keep in mind that 5 C.F.R. §6401.103(d) requires you to submit a revised request to me for administrative approval if there is a change in the nature or scope of the duties or services performed in your outside employment.

Please call me if you have any questions.

cc: Employee Confidential Ethics File



FOIA Ex 6 R9/USEPA/US

09/02/2008 05:31 PM

To Steven Jawgiel/R9/USEPA/US@EPA ..

cc

bcc

Subject Re: Outside Activity Request

History: This message has been replied to.

Hi Steve -

The panel is almost exactly the same as last years in content - an update on Rapanos litigation. The speakers represent all sides of the issues, as the State Bar attempts to present balanced views on everything. I would not be speaking in a substantive capacity, but moderating the panel to ensure fairness and adherence to the time constraints.

Yes, thanks, it is for 2008.

FOIA Exemption  
Regional Criminal Enforcement Counsel  
United States Environmental Protection Agency, Region 9  
Southern California Field Office  
600 Wilshire Blvd., Suite 900  
Los Angeles CA 90017  
Phone: (213) 244-1903  
Fax: (213) 244-1933  
FOIA Ex 6 @epa.gov

Steven Jawgiel/R9/USEPA/US



Steven  
Jawgiel/R9/USEPA/US  
08/28/2008 05:47 PM

To R9/USEPA/US@EPA

cc

Subject Outside Activity Request

Hello:

I am in the process of providing Nancy a recommendation regarding your recent outside activity request. However, I realized that I need a bit more information. First, your request states that you will be acting as a moderator on Sunday October 19, 2007. I am assuming you meant October 19, 2008. Second, I need to know a bit more about they type of panel you propose moderating. I need to know the topic being discussed in order to do a complete conflicts analysis.

Thanks Ex 6 Hope you have a great holiday weekend!

Steven L. Jawgiel  
Assistant Regional Counsel  
U.S. Environmental Protection Agency  
75 Hawthorne Street (ORC-1)  
San Francisco, CA 94105  
Tel.. (415) 972-3876  
Fax: (415) 947-3570

**(8) I have read, and am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and § 6401.102:**

**(9) As far as I am aware, there are no EPA assistance agreements or contracts held the State Bar of FOIA SIG or by the Environmental Law Executive Committee.**

I greatly appreciate your consideration and assistance with this matter. Please feel free to contact me at (213) 244-1903 with any questions.

FOIA

Ex 6

8/4/08  
Date

cc: Steven L. Jawgiel (Assistant Regional Counsel/Assistant Deputy Ethics Official)

NO. 0771 P. 1

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY**  
*Criminal Investigation Division*  
Los Angeles Field Office

**Facsimile Transmission Cover Sheet**



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Date: \_\_\_\_\_, 2008

To: NANCY MARVEL / STEVEN JANGIEL

Office No.: ( )

Fax No.: ( )

From: FOIA EXEMPTION 6

Pages: ( ) + Cover Page

Re: APPROVAL OF OUTSIDE ACTIVITY FORM

600 Wilshire Boulevard, Suite 900 ♦ Los Angeles, California ♦ 90017  
Telephone: (213) 244-1900 ♦ Facsimile: (213) 244-1933

you may identify yourself as an EPA Region 9 employee only if you include your title or position as one of several biographical details. For example, you may not introduce yourself at the ExCo Conference solely as an EPA Region 9 attorney. However, you may mention that you are an EPA Region 9 attorney only if you include several other biographical details such as your educational background, work history, a publication list, etc. In addition, your official title may not be used in connection with any activities you perform as an advisor to the State Bar.

Note also that under the general standards of conduct regulations in Part 2635 you must undertake outside employment activities only on your own time (including duly approved annual leave or compensatory time), away from EPA premises, and without the use of any government personnel or government property such as telephones, office supplies, or office machines. Therefore, you must request annual leave for Thursday, October 18, 2007, the day you will travel to Fort St

This approval is valid for this request only. In the event that you decide to continue these outside activities beyond this date, you must submit another request for administrative approval prior to engaging in any activities as an advisor to the State Bar. Please keep in mind that 5 C.F.R. §6401.103(d) requires you to submit a revised request to me for administrative approval if there is a change in the nature or scope of the duties or services performed in your outside employment.

Please call me if you have any questions.

cc: Employee Confidential Ethics File



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

**MEMORANDUM**

SUBJECT: Permission to Participate in Outside Employment  
FROM: *Nancy J. Marvel*  
Nancy J. Marvel  
Regional Counsel and Deputy Ethics Official  
TO: Thomas Butler  
Assistant Regional Counsel  
DATE: September 15, 2008

This is in response to your memorandum dated August 27, 2008 requesting permission to perform research and general counseling services for Dr. Andrew S. Grove, who is a lecturer at the Stanford Graduate School of Business. Your research and counseling services will focus on various environmental issues, but will likely emphasize energy issues. As stated in your memorandum, you plan to perform your research and counseling entirely outside of your normal EPA duty hours. However, you are prepared to use approved leave should you need to perform your services during EPA duty hours. Likewise, you will not use any EPA property, resources, or facilities not available to the general public in connection with your outside activity. You also stated that Dr. Grove will not compensate you for your services.

EPA's standards of conduct regulations at 5 C.F.R. §6401.103 require employees to obtain administrative approval before engaging in certain types of outside employment, including service as a consultant.

Based on the information in your memoranda, I approve your request. I recommend that you review the standards of conduct regulations at 5 C.F.R. Part 2635, to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside employment. Note also that under the general standards of conduct regulations in Part 2635, you must undertake outside employment activities only on your own time (including duly approved annual leave or compensatory time), away from EPA premises and without the use of any Government personnel or Government property such as telephones, office supplies, or office machines.

Please note that you must assure that your activities are not construed as implying official EPA sanction or endorsement of any activity, product, service, or enterprise by you or another. See 5 C.F.R. 2635.702(b) and (c). You also must be aware of the restrictions in 5 C.F.R. §2635.703, which prohibit the disclosure of nonpublic information. Lastly, you must not represent your outside client in its dealings with EPA or any federal agency or federal court. 5 C.F.R. §2635.801(d)(4) and 18 U.S.C. §§ 203 and 205.

(8) *I have read, and am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and § 6401.102:*

(9) *As far as I am aware, there are no EPA assistance agreements or contracts held the State Bar of \_\_\_\_\_ or by the Environmental Law Executive Committee.*

I greatly appreciate your consideration and assistance with this matter. Please feel free to contact me at (213) 244-1903 with any questions.

FOIA EX 6  
FOIA EX 6

8/4/08  
Date

cc: Steven L. Jawgiel (Assistant Regional Counsel/Assistant Deputy Ethics Official)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION IX  
 75 Hawthorne Street  
 San Francisco, CA 94105

**MEMORANDUM**

To: Nancy Marvel  
 Regional Counsel  
 Deputy Ethics Official  
 Region IX

From: FOIA EX 6  
 Assistant Regional Counsel  
 Region IX  
 GS 14-1

Date: August 27, 2008

Re: Request for Approval of Outside Employment

This memorandum is to request approval for outside employment with FOIA EX 6, sometimes in his capacity as a lecturer at the EX 6 Graduate School of Business. Below is the information requested in 5 CFR § 6401.103 (b):

**(1) Employee's name, title and grade:**

FOIA EX 6, Assistant Regional Counsel, GS 14-1.

**(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:**

Research and general counseling and orientation on environmental issues, particularly energy issues. At this point, I have no expectation nor reason to anticipate compensation.

**(3) The name and business of the person or organization for which the work will be done (in case of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):**

FOIA EX 6, Chairman of the EX 6 Foundation and lecturer at the EX 6 Graduate School of Business. Dr. Grove is the retired Chief Executive Officer and Chairman of the Board of EX 6 Corp. He now runs his own private philanthropic

This approval is valid for five (5) years past the date of this memorandum. Keep in mind that 5 C.F.R. §6401.103(d) requires you to submit a revised request to me for administrative approval if there is a change in the nature or scope of the duties or services performed in your outside employment.

Finally, although I have approved your outside employment request, you must still obtain supervisory approval of any leave that you plan to take in conjunction with your outside employment.

Please call Steven L. Jawgiel, Deputy Ethics Official, at 972-3876 if you have any questions.

cc: Steven L. Jawgiel (ORC-1)  
Employee Confidential Disclosure File



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF GENERAL COUNSEL

October 3, 2008

MEMORANDUM

SUBJECT: Permission to Participate in Outside Activities

FROM: Justina Fugh *Justina Fugh*  
Senior Counsel for Ethics

To: FOIA EXC  
Assistant Regional Counsel  
Region 9

FOIA EXC  
Assistant Regional Counsel  
Region 9

This memorandum responds to your September 23, 2008 written request for participate, as part of outside activity, in two events sponsored by the AB 32 Global Warming Solutions Act) Environmental Justice Advisory Committee ("EJ Committee"). Recognizing that the subject matter of your speaking activities deals in significant part with the policies, programs or operations of EPA, your request acknowledges that you cannot be compensated for this activity pursuant to 5 C.F.R. § 2635.807(a)(2)(i) and must seek prior approval of the outside activity from your Deputy Ethics Official (DEO) pursuant to 5 C.F.R. § 6401.103(a). Your request was properly submitted to your DEO, the Regional Counsel in Region 9. However, in consultation with the Assistant Deputy Ethics Official in your region, I am considering your request in your DEO's absence.

Having reviewed your request for outside activity, I understand that you have been asked to give a half-hour interview on October 7, 2008 to be filmed by the EJ Committee and then distributed to the general public via the YouTube website. The interview is anticipated to cover environmental advocacy topics including: (a) the urgency of addressing climate change effectively, (b) the use of cap-and-trade to address climate change, and (c) the use of carbon fees to address climate change. You have also been asked to attend an EJ Committee meeting on October 21, 2008 in FOIA EXEMPTIONS at which you will speak on these same topics.

You anticipate that you will both require approximately 8-12 hours of annual leave to participate in and prepare for these events. You indicate that you understand that these outside activities must be conducted entirely outside of your EPA duty hours, that you cannot misuse your EPA positions and titles, and that you cannot use any non-public information. In addition, you confirm that neither of you will receive any compensation for your participation in these events.

family foundation (where my wife works), and teaches part time at the Eyle Graduate School of Business.

**(4) *The estimated time to be devoted to the activity:***

I do not know the precise answer to this question, but I would estimate anywhere from 2 to 10 hours per week, with an average of 3 to 4 hours per week.

**(5) *Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from the work required):***

I anticipate that service will be performed outside of normal duty hours, and if not, I will use annual leave or compensatory time to free my time.

**(6) *The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment:***

No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment.

**(7) *The basis for compensation:***

I do not anticipate being compensated.

**(8) *The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and § 6401.102:***

I have read and am familiar with, and will abide by, the restrictions described in 5 C.F.R. § 2635 and § 6401.102.

**(9) *An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided:***

None.

I greatly appreciate your consideration and assistance with this matter. Please feel free to contact me at (415) 972-3869 with any questions.

\_\_\_\_\_  
(Your Name)

\_\_\_\_\_  
Date

cc: Steven L. Jawgiel (Assistant Regional Counsel/Assistant Deputy Ethics Official)

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
Criminal Investigation Division  
Los Angeles Field Office

Facsimile Transmission Cover Sheet



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Date: \_\_\_\_\_, 2008

To: NANCY MARVEL / STEVEN JANGIEL

Office No.: ( )

Fax No.: ( )

From: FOIA EXEMPTION 6

Pages: ( ) + Cover Page

Re: APPROVAL OF OUTSIDE ACTIVITY FORM



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION IX**  
**75 Hawthorne Street**  
**San Francisco, CA 94105**

**MEMORANDUM**

SUBJECT: Permission to Participate in Outside Employment

FROM: *Nancy J. Marvel*  
Nancy J. Marvel  
Regional Counsel and Deputy Ethics Official

TO: \_\_\_\_\_  
Assistant Regional Counsel

DATE: September 15, 2008

This is in response to your August 4, 2008 request for approval to engage in outside employment with the State Bar of ~~FOIA EXC~~. Specifically, your outside employment request seeks approval to participate as a moderator for an environmental law panel on October 19, 2008 at the ~~FOIA EXC~~ Environmental Law Conference. The panel will be addressing updates on Rapanos litigation. You simultaneously seek approval to attend an Environmental Law Executive Committee meeting at the ~~FOIA EXC~~ Conference. You will perform these activities completely outside of your normal EPA duty hours. The State Bar of \_\_\_\_\_ will compensate you with travel expenses and one night of lodging for participating in the Executive Committee meeting. Based upon the information available to me, the State Bar of \_\_\_\_\_ is not gifting you these items because of your status as an EPA employee.

EPA's standards of conduct regulations at 5 C.F.R. §6401.103 require employees to obtain administrative approval before engaging in certain types of outside employment, including activities that deal in significant part with the policies, programs, or operations of the EPA. You are required to obtain prior approval for your proposed ~~FOIA EXC~~ Conference activities because the above-referenced activities deal in significant part with EPA's policies, programs, and operations.

Based on the information in your memoranda and in your September 2, 2008 email, I approve your request. I recommend that you review the standards of conduct regulations at 5 C.F.R. Part 2635, to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside employment. Please note in particular 5 C.F.R. §2635.702, which prohibits the use of your public office for private gain, and 5 C.F.R. §2635.807(b), which prohibits (with certain exceptions) an employee from using or permitting the use of his or her official title or position in connection with the employee's outside teaching, speaking, or writing activities. It is important to note that under 5 C.F.R. §2635.807(b)(1),



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION IX  
 75 Hawthorne Street  
 San Francisco, CA 94105

**MEMORANDUM**

To: Nancy Marvel  
 Regional Counsel  
 Deputy Ethics Official  
 Region IX

From: FOIA EX 6  
 RCEC  
 Region IX  
 14

Date: August 4, 2008

Re: Request for Approval of an Outside Activity

The purpose of this memorandum is to request approval for an outside activity with the State Bar of California. Below is the information requested in 5 CFR § 6401.103 (b):

(1) FOIA EX 6 RCEC, 14:

(2) *Moderating a panel at the upcoming Environmental Law Conference at [redacted] on Sunday, October 19, 2007, as well as attending the Environmental Law Executive Committee Meeting.*

(3) *The State Bar of [redacted] FOIA EX 6, Environmental Law Section.*

(4) *The conference is three days – Friday through Sunday.*

(5) *Although most of the service would be outside normal work hours (as Friday is my normal day off), I would need to travel on Thursday.*

(6) *The State Bar of [redacted] FOIA EX 6 will pay my travel expenses (mileage or airfare) plus one night of hotel fare for participating in the Executive Committee meeting. In addition, for moderating the panel, they will pay an additional night of hotel fare, at the standard State Bar rate.*

(7) *Other than the occasional use of e-mail, no EPA resources have been utilized to prepare for this meeting or panel.*

you may identify yourself as an EPA Region 9 employee only if you include your title or position as one of several biographical details. For example, you may not introduce yourself at the ExCo Conference solely as an EPA Region 9 attorney. However, you may mention that you are an EPA Region 9 attorney only if you include several other biographical details such as your educational background, work history, a publication list, etc. In addition, your official title may not be used in connection with any activities you perform as an advisor to the State Bar.

Note also that under the general standards of conduct regulations in Part 2635 you must undertake outside employment activities only on your own time (including duly approved annual leave or compensatory time), away from EPA premises, and without the use of any government personnel or government property such as telephones, office supplies, or office machines. Therefore, you must request annual leave for Thursday, October 18, 2007, the day you will travel to FOIA Ex6

This approval is valid for this request only. In the event that you decide to continue these outside activities beyond this date, you must submit another request for administrative approval prior to engaging in any activities as an advisor to the State Bar. Please keep in mind that 5 C.F.R. §6401.103(d) requires you to submit a revised request to me for administrative approval if there is a change in the nature or scope of the duties or services performed in your outside employment.

Please call me if you have any questions.

cc: Employee Confidential Ethics File

parties that will have a direct and predictable effect upon the EJ Committee, you must obtain an impartiality determination from your Deputy Ethics Official. The question for your DEO to address is whether a reasonable person with knowledge of the relevant facts (specifically, your affiliation in your outside capacity with the EJ Committee) would call into question your ability to be impartial and to ensure the integrity of the Agency's programs. Your DEO will consider that question using the factors set forth at 5 C.F.R. §2635.502(d)(1) - (6).

This approval pertains only to the two activities referenced above. You must obtain your own DEO's approval for any other outside activities or if there are substantial changes to the facts upon which this approval is based. 5 C.F.R. § 6401.103(d) requires that you submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activities. Additionally, this approval does not assume that your supervisor will grant you annual leave. Determinations about leave approval are made by the supervisor and not by me. Please call Steven L. Jawgiel, Assistant Deputy Ethics Official, at (415) 972-3876 if you have any questions.

cc: Employees' Official Ethics Files  
Nancy Marvel (ORC-1)  
Steven Jawgiel (ORC-2)

Based on the information in your memorandum, I approve your request, subject to the reminders below:

You should review carefully the standards of conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that apply to your outside activities. Please note in particular 5 C.F.R. §2635.702(b), which references 5 C.F.R. §2635.807(b). You are prohibited from using or permitting the use of your Government title, position, or any authority associated with your public office in a way that could reasonably be construed to imply that EPA or the Government sanctions your personal activities or the activities of another.

Any reference to your EPA position or title can be provided or used only as provided by 5 C.F.R. § 2635.807(b). You may include or permit the inclusion of your Government title or position only as one of several biographical details so long as your EPA connection is not given undue prominence. I appreciate that you have offered to include a disclaimer and suggest that the terms of the disclaimer make clear that you are speaking in your private capacities and that the Agency does not sanction nor endorse your activities. The views that you express, therefore, are your own and not necessarily those of the Agency.

Please also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes. You must not use any non-public information or privileged information to prepare your remarks, nor may you disclose any such non-public or privileged information.

You also need to be mindful of the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950. You particularly need to make sure that your activities are not being performed in association with a fundraising event or that the EJ Committee uses your taped interview in a fundraising effort.

You are also reminded that under the general standards of conduct regulations in Part 2635, you must undertake outside employment activities only on your own time (including duly approved annual leave or compensatory time), away from EPA premises, and without the use of any government personnel or government property such as telephones, office supplies, or office machines.

Although you do not indicate whether you will be offered travel expenses, please note that you may accept such expenses in your individual capacities. Travel reimbursement is not considered compensation for the purposes of the prohibition at 5 C.F.R. § 2635.807(a). However, if the amount of travel gifts from one source exceeds \$335 in the calendar year, then you will each have to report the gift of travel on your financial disclosure report that you file next year. You may, for the purposes of aggregation, disregard any individual gift of \$134 or less. You will also have to report the outside activity on your financial disclosure report appropriately.

Finally, please note that this association with the outside entity now means that you have a covered relationship with it pursuant to the impartiality standards found at 5 C.F.R. Part 2635, Subpart E. Before engaging in your official duties in any particular matter involving specific



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF GENERAL COUNSEL

October 3, 2008

MEMORANDUM

SUBJECT: Permission to Participate in Outside Activities

FROM: Justina Fugh *Justina Fugh*  
Senior Counsel for Ethics

To: FOIA EXC  
Assistant Regional Counsel  
Region 9

FOIA EXC  
Assistant Regional Counsel  
Region 9

This memorandum responds to your September 23, 2008 written request for ~~participate~~ participate, as part of outside activity, in two events sponsored by the AB 32 (FOIA EXC Global Warming Solutions Act) Environmental Justice Advisory Committee ("EJ Committee"). Recognizing that the subject matter of your speaking activities deals in significant part with the policies, programs or operations of EPA, your request acknowledges that you cannot be compensated for this activity pursuant to 5 C.F.R. § 2635.807(a)(2)(i) and must seek prior approval of the outside activity from your Deputy Ethics Official (DEO) pursuant to 5 C.F.R. § 6401.103(a). Your request was properly submitted to your DEO, the Regional Counsel in Region 9. However, in consultation with the Assistant Deputy Ethics Official in your region, I am considering your request in your DEO's absence.

Having reviewed your request for outside activity, I understand that you have been asked to give a half-hour interview on October 7, 2008 to be filmed by the EJ Committee and then distributed to the general public via the YouTube website. The interview is anticipated to cover environmental advocacy topics including: (a) the urgency of addressing climate change effectively, (b) the use of cap-and-trade to address climate change, and (c) the use of carbon fees to address climate change. You have also been asked to attend an EJ Committee meeting on October 21, 2008 in FOIA EXC at which you will speak on these same topics.

You anticipate that you will both require approximately 8-12 hours of annual leave to participate in and prepare for these events. You indicate that you understand that these outside activities must be conducted entirely outside of your EPA duty hours, that you cannot misuse your EPA positions and titles, and that you cannot use any non-public information. In addition, you confirm that neither of you will receive any compensation for your participation in these events.

Based on the information in your memorandum, I approve your request, subject to the reminders below:

You should review carefully the standards of conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that apply to your outside activities. Please note in particular 5 C.F.R. §2635.702(b), which references 5 C.F.R. §2635.807(b). You are prohibited from using or permitting the use of your Government title, position, or any authority associated with your public office in a way that could reasonably be construed to imply that EPA or the Government sanctions your personal activities or the activities of another.

Any reference to your EPA position or title can be provided or used only as provided by 5 C.F.R. § 2635.807(b). You may include or permit the inclusion of your Government title or position only as one of several biographical details so long as your EPA connection is not given undue prominence. I appreciate that you have offered to include a disclaimer and suggest that the terms of the disclaimer make clear that you are speaking in your private capacities and that the Agency does not sanction nor endorse your activities. The views that you express, therefore, are your own and not necessarily those of the Agency.

Please also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes. You must not use any non-public information or privileged information to prepare your remarks, nor may you disclose any such non-public or privileged information.

You also need to be mindful of the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950. You particularly need to make sure that your activities are not being performed in association with a fundraising event or that the EJ Committee uses your taped interview in a fundraising effort.

You are also reminded that under the general standards of conduct regulations in Part 2635, you must undertake outside employment activities only on your own time (including duly approved annual leave or compensatory time), away from EPA premises, and without the use of any government personnel or government property such as telephones, office supplies, or office machines.

Although you do not indicate whether you will be offered travel expenses, please note that you may accept such expenses in your individual capacities. Travel reimbursement is not considered compensation for the purposes of the prohibition at 5 C.F.R. § 2635.807(a). However, if the amount of travel gifts from one source exceeds \$335 in the calendar year, then you will each have to report the gift of travel on your financial disclosure report that you file next year. You may, for the purposes of aggregation, disregard any individual gift of \$134 or less. You will also have to report the outside activity on your financial disclosure report appropriately.

Finally, please note that this association with the outside entity now means that you have a covered relationship with it pursuant to the impartiality standards found at 5 C.F.R. Part 2635, Subpart E. Before engaging in your official duties in any particular matter involving specific



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

**MEMORANDUM**

To: Nancy Marvel  
Regional Counsel  
Deputy Ethics Official  
Region IX

From: FOIA EXL6 and FOIA EXL6  
Assistant Regional Counsels  
Region IX  
Grade 15

Date: September 23, 2008

Re: Request for Approval of Outside Speaking Activities related to Climate Change

The purpose of this memorandum is to request approval to perform two speaking engagements related to climate change in our personal capacities. Below is the information requested in 5 CFR § 6401.103 (b):

**(1) Employees' name, title and grade:**

FOIA EXL6 Assistant Regional Counsel (Attorney Advisor), Grade 15  
FOIA EXL6 Assistant Regional Counsel (Attorney Advisor), Grade 15

**(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:** We are requesting approval to provide presentations at the request of the AB 32 Global Warming Solutions Act)

Environmental Justice Advisory Committee. The request comes from: FOIA EXEMPTION 6 through her intern, FOIA EXEMPTION 6 is the Director of Policy and the General Counsel of the EXL6 Environmental Rights Alliance, as well as the Co-Chair of the Environmental Justice Advisory Committee ("EJ Committee"). The request is made in her capacity as the Co-Chair of the AB 32 EJ Committee. There is no compensation involved. The request is for (1) filming of a half-hour interview on October 7, 2008 on the following topics: (a) the urgency of addressing climate change effectively, (b) the use of cap-and-trade to address climate change, and (c) the use of carbon fees to address climate change, and (2) a similar presentation to be given on October 21, 2008 at California EPA's offices in Sacramento, at a next meeting of the EJ Committee, which will also involve participation by members of the California Air Resources Board staff.

**(3) The name and business of the person or organization for which the work will be done (in case of self-employment, indicate the type of services to be rendered and estimate the number**

parties that will have a direct and predictable effect upon the EJ Committee, you must obtain an impartiality determination from your Deputy Ethics Official. The question for your DEO to address is whether a reasonable person with knowledge of the relevant facts (specifically, your affiliation in your outside capacity with the EJ Committee) would call into question your ability to be impartial and to ensure the integrity of the Agency's programs. Your DEO will consider that question using the factors set forth at 5 C.F.R. § 2635.502(d)(1) - (6).

This approval pertains only to the two activities referenced above. You must obtain your own DEO's approval for any other outside activities or if there are substantial changes to the facts upon which this approval is based. 5 C.F.R. § 6401.103(d) requires that you submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activities. Additionally, this approval does not assume that your supervisor will grant you annual leave. Determinations about leave approval are made by the supervisor and not by me. Please call Steven L. Jawgiel, Assistant Deputy Ethics Official, at (415) 972-3876 if you have any questions.

cc: Employees' Official Ethics Files  
Nancy Marvel (ORC-1)  
Steven Jawgiel (ORC-2)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

January 27, 2009

**MEMORANDUM**

**SUBJECT:** Permission to Participate in Outside Activities

**FROM:** *Nancy J. Marvel*  
Nancy Marvel  
Regional Counsel, Deputy Ethics Official  
U.S. Environmental Protection Agency, Region IX

**TO:** Allan Zabel  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region IX

This is in response to your January 26, 2009 written request for approval to participate in speaking engagements at: (1) the Hastings Law School on January 29, 2009; (2) the Golden Gate Law School on March 12, 2009; and (3) the UC Berkeley during the spring semester of 2009. During these speaking engagements, you will be discussing: (a) the urgency of addressing climate change effectively, (b) the use of cap-and-trade to address climate change, and (c) the use of carbon fees to address climate change, and (d) other measures to address climate change. You anticipate that you will need to use approximately four to six hours of annual leave to participate in each of these events. You will not be compensated for any of the events described above.

EPA's standards of conduct regulations at 5 C.F.R. § 6401.103(a)(4) require Government employees to obtain approval from their Deputy Ethics Official (DEO) before engaging in certain types of outside activities that involve subject matter that deals in significant part with the policies, programs or operations of EPA or any matter to which the employee presently is assigned or to which the employee has been assigned during the previous one-year period.

Based on the information in your memorandum, I approve your request.

I recommend that you review the standards of conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. §2635.702(b), which references 5 C.F.R. §2635.807(b). 5 C.F.R. §2635.702(b) prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another. However, 5 C.F.R. §2635.807(b) allows Government employees to include or permit the inclusion of their titles or positions as one of several biographical details when such information is given to identify

*of clients or customers anticipated during the next 6 months*): The speaking activities will be to assist in public education regarding the choices available in implementation of AB 32 and to assist the California Air Resources Board in analyzing these options. The speaking will be done at the request of the AB 32 EJ Committee.

(4) *The estimated time to be devoted to the activity*: The work would be done entirely on our own time and would probably involve taking between 8 and 12 hours of annual leave to attend these speaking engagements.

(5) *Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from the work required)*: Yes. The proposed activities will be performed entirely outside of our normal duty hours, except for between one and two days of annual leave.

(6) *The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment*: No official duty time or Government property, resources or facilities not available to the general public will be used in connection with the outside activities.

(7) *The basis for compensation*: We will not be seeking or receiving compensation for any of the outside activities.

(8) *The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102*: I have read, am familiar with and will abide by the restrictions described in 5 CFR Part 2635 and section 6401.102. We will only mention our EPA employment among with other biographical details, in a manner similar to the presentation previously approved and provided at our website, FOIA EXEMPTION 6. We will state that we are speaking only in our personal capacity as parents and citizens and a disclaimer, noting that nothing we say is intended to present the views of EPA or the federal government.

(9) *An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided*: We do not anticipate any EPA assistance agreements or contracts to be held by a person to or for whom services would be provided.

We greatly appreciate your consideration and assistance with this matter. Please feel free to contact us EV at EV or my cell FOIA EX 6 4, or 1 at \_\_\_\_\_ with an

FOIA EX 6

FOIA EX 6

FOIA EX 6

9/24/08

Date

9/24/08

Date

cc: Steven L. Jawgiel (Assistant Regional Counsel/Assistant Deputy Ethics Official)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

**MEMORANDUM**

To: Nancy Marvel  
Regional Counsel  
Deputy Ethics Official  
Region IX

From: \_\_\_\_\_  
Senior Counsel  
Region IX  
Grade 15

Date: January 26, 2009

Re: Request for Approval of Outside Speaking Activities related to Climate Change

The purpose of this memorandum is to request approval to perform three speaking engagements related to climate change in my personal capacity. Below is the information requested in 5 CFR § 6401.103 (b):

**(1) *Employees' name, title and grade:***

\_\_\_\_\_  
Senior Counsel (Attorney Advisor), Grade 15

**(2) *Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:*** I am requesting approval to provide presentations at the request of: FOIA EX 6 Law School on Thursday January 29<sup>th</sup>, 2009), FOIA EXEMPTION 6  
FOIA EXEMPTION 6 Law School on March 12<sup>th</sup>, 2009) and: FOIA EXEMPTION 6  
undergraduate political science class – spring semester 2009, date not fixed yet). I plan to make these presentations along with my wife, FOIA EX 6, who is also an EPA employee and is also seeking your approval to make these presentations. There is no compensation involved. The presentations would address (a) the urgency of addressing climate change effectively, (b) the use of cap-and-trade to address climate change, (c) the use of carbon fees to address climate change, and (d) other measures to address climate change.

**(3) *The name and business of the person or organization for which the work will be done (in case of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):*** The speaking activities will be to provide education at the above-named institutions ( FOIA EXEMPTION 6 ) regarding the urgency of climate change and the choices available to address climate change.

Government employees in connection with a speaking engagement so long as the Government title or position is given no more prominence than any other significant biographical detail.

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes.

You also need to be mindful of the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950. You particularly need to make sure that your activities are not being performed in association with a fundraising event.

You are also reminded that under the general standards of conduct regulations in Part 2635 you must undertake outside employment activities only on your own time (including duly approved annual leave or compensatory time), away from EPA premises, and without the use of any government personnel or government property such as telephones, office supplies, or office machines.

My approval is valid only for the three activities referenced above. It will be necessary for you to obtain your supervisors' approval if your outside activities require any changes in your work schedules. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activities.

Please call Steven L. Jawgiel, Assistant Deputy Ethics Official, at (415) 972-3876 if you have any questions.

cc: Employees' Official Ethics Files  
Steven Jawgiel (ORC-2)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

January 27, 2009

**MEMORANDUM**

SUBJECT: Permission to Participate in Outside Activities  
FROM: *Nancy Marvel*  
Nancy Marvel  
Regional Counsel, Deputy Ethics Official  
U.S. Environmental Protection Agency, Region IX  
TO: Laurie Williams  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region IX

This is in response to your January 26, 2009 written request for approval to participate in speaking engagements at: (1) the Hastings Law School on January 29, 2009; (2) the Golden Gate Law School on March 12, 2009; and (3) the UC Berkeley during the spring semester of 2009. During these speaking engagements, you will be discussing: (a) the urgency of addressing climate change effectively, (b) the use of cap-and-trade to address climate change, and (c) the use of carbon fees to address climate change, and (d) other measures to address climate change. You anticipate that you will need to use approximately four to six hours of annual leave to participate in each of these events. You will not be compensated for any of the events described above.

EPA's standards of conduct regulations at 5 C.F.R. § 6401.103(a)(4) require Government employees to obtain approval from their Deputy Ethics Official (DEO) before engaging in certain types of outside activities that involve subject matter that deals in significant part with the policies, programs or operations of EPA or any matter to which the employee presently is assigned or to which the employee has been assigned during the previous one-year period.

Based on the information in your memorandum, I approve your request.

I recommend that you review the standards of conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. §2635.702(b), which references 5 C.F.R. §2635.807(b). 5 C.F.R. §2635.702(b) prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another. However, 5 C.F.R. §2635.807(b) allows Government employees to include or permit the inclusion of their titles or positions as one of several biographical details when such information is given to identify

(4) **The estimated time to be devoted to the activity:** The work would be done entirely on our my time and would probably involve taking between approximately 4 or 6 hours of annual leave to attend these speaking engagements. Total time to perform these activities would be approximately 12 - 16 hours. Two hours for travel and making each of the presentations, plus 6 to 10 hours of preparation total for all three talks, which are planned to be very similar to one another.

(5) **Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from the work required):** Preparation for these activities will be performed entirely outside of my normal duty hours. One to two hours of annual leave will be needed for each speaking engagement.

(6) **The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment:** No official duty time or Government property, resources or facilities not available to the general public will be used in connection with the outside activities.

(7) **The basis for compensation:** I will not be seeking or receiving compensation for any of the outside activities.

(8) **The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102:** I have read, am familiar with and will abide by the restrictions described in 5 CFR Part 2635 and section 6401.102. I will only mention my EPA employment among with other biographical details, in a manner similar to the presentation previously approved and provided at the website I maintain with Laurie at [www.carbonfees.org](http://www.carbonfees.org). I will state that I am speaking only in my personal capacity as a parent and citizen and will provide a disclaimer, noting that nothing I say is intended to present the views of EPA or the federal government.

(9) **An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided:** I do not anticipate any EPA assistance agreements or contracts to be held by a person to or for whom services would be provided.

I greatly appreciate your consideration and assistance with this matter. Please feel free to contact me with any questions at (415) 972-3902 or my cell (510) 390-6296.

FOIA EXC

FOIA EXC

1/26/09

Date

cc: Steven L. Jawgiel (Assistant Regional Counsel/Assistant Deputy Ethics Official)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

**MEMORANDUM**

To: Nancy Marvel  
Regional Counsel  
Deputy Ethics Official  
Region IX

From: \_\_\_\_\_  
Assistant Regional Counsel  
Region IX  
Grade 15

Date: January 26, 2009

Re: Request for Approval of Outside Speaking Activities related to Climate Change

The purpose of this memorandum is to request approval to perform three speaking engagements related to climate change in my personal capacity. Below is the information requested in 5 CFR § 6401.103 (b):

***(1) Employees' name, title and grade:***

FOIA EX6 Assistant Regional Counsel (Attorney Advisor), Grade 15

***(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:*** I am requesting approval to provide presentations at the request of: FOIA EX6 Law School on Thursday January 29<sup>th</sup>, 2009), FOIA EX6 FOIA EXEMPTION 6 Law School on March 12<sup>th</sup>, 2009) and: FOIA EX6 undergraduate political science class – spring semester 2009, date not fixed yet). I plan to make these presentations along with my husband; FOIA EX6 is also an EPA employee and is also seeking your approval to make these presentations. There is no compensation involved. The presentations would address (a) the urgency of addressing climate change effectively, (b) the use of cap-and-trade to address climate change, (c) the use of carbon fees to address climate change, and (d) other measures to address climate change.

***(3) The name and business of the person or organization for which the work will be done (in case of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):*** The speaking activities will be to provide education at the above-named institutions ( FOIA EX6 and FOIA EX6 regarding the urgency of climate change and the choices available to address climate change.

Government employees in connection with a speaking engagement so long as the Government title or position is given no more prominence than any other significant biographical detail.

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes.

You also need to be mindful of the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950. You particularly need to make sure that your activities are not being performed in association with a fundraising event.

You are also reminded that under the general standards of conduct regulations in Part 2635 you must undertake outside employment activities only on your own time (including duly approved annual leave or compensatory time), away from EPA premises, and without the use of any government personnel or government property such as telephones, office supplies, or office machines.

My approval is valid only for the three activities referenced above. It will be necessary for you to obtain your supervisors' approval if your outside activities require any changes in your work schedules. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activities.

Please call Steven L. Jawgiel, Assistant Deputy Ethics Official, at (415) 972-3876 if you have any questions.

cc: Employees' Official Ethics Files  
Steven Jawgiel (ORC-2)

(4) **The estimated time to be devoted to the activity:** The work would be done entirely on my own time and would probably involve taking between approximately 4 or 6 hours of annual leave to attend these speaking engagements. Total time to perform these activities would be approximately 12 - 16 hours. Two hours for travel and making each of the presentations, plus 6 to 10 hours of preparation total for all three talks, which are planned to be very similar to one another.

(5) **Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from the work required):** Preparation for these activities will be performed entirely outside of my normal duty hours. One to two hours of annual leave will be needed for each speaking engagement.

(6) **The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment:** No official duty time or Government property, resources or facilities not available to the general public will be used in connection with the outside activities.

(7) **The basis for compensation:** I will not be seeking or receiving compensation for any of the outside activities.

(8) **The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102:** I have read, am familiar with and will abide by the restrictions described in 5 CFR Part 2635 and section 6401.102. I will only mention my EPA employment among with other biographical details, in a manner similar to the presentation previously approved and provided at the website I maintain with Ex 6 at www.FOIA Ex 6. I will state that I am speaking only in my personal capacity as a parent and citizen and will provide a disclaimer, noting that nothing I say is intended to present the views of EPA or the federal government.

(9) **An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided:** I do not anticipate any EPA assistance agreements or contracts to be held by a person to or for whom services would be provided.

I greatly appreciate your consideration and assistance with this matter. Please feel free to contact me with any questions at (415) 972-3867 or my cell (510) 390-4224.

FOIA EXEMPTION 6

1/26/09  
Date

cc: Steven L. Jawgiel (Assistant Regional Counsel/Assistant Deputy Ethics Official)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

February 11, 2009

MEMORANDUM

SUBJECT: Permission to Participate in Outside Activities  
FROM: *Nancy Maryel*  
Nancy Maryel  
Regional Counsel, Deputy Ethics Official  
U.S. Environmental Protection Agency, Region IX  
TO: FOIA EXC 6  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region IX

This is in response to your February 9, 2009 written request for approval to participate in three writing activities, which involve submitting articles to the following publications: (1) the FOIA EXEMPTION 6 website; (2) the FOIA EXEMPTION 6 online journal; and (3) the FOIA EXC 6 EXC 6 online blog. You will be discussing the following issues in the articles: (a) the urgency of addressing climate change effectively, (b) the use of cap-and-trade to address climate change, and (c) the use of carbon fees to address climate change, and (d) other measures to address climate change. Preparation of these articles will be done entirely on your own time and you anticipate that you will not need to use any annual leave to participate in these three activities. You will not be compensated for any of the activities described above.

EPA's standards of conduct regulations at 5 C.F.R. § 6401.103(a)(4) require Government employees to obtain approval from their Deputy Ethics Official (DEO) before engaging in certain types of outside activities that involve subject matter that deals in significant part with the policies, programs or operations of EPA or any matter to which the employee presently is assigned or to which the employee has been assigned during the previous one-year period.

Based on the information in your memorandum, I approve your request.

I recommend that you review the standards of conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. §2635.702(b), which references 5 C.F.R. §2635.807(b). 5 C.F.R. §2635.702(b) prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another. However, 5 C.F.R. §2635.807(b) allows Government employees to include or permit the inclusion of their titles or positions as one of several biographical details when such information is given to identify

Government employees in connection with a writing project so long as the Government title or position is given no more prominence than any other significant biographical detail.

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes.

You also need to be mindful of the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950. You particularly need to make sure that your activities are not being performed in association with a fundraising event.

You are also reminded that under the general standards of conduct regulations in Part 2635 you must undertake outside employment activities only on your own time (including duly approved annual leave or compensatory time), away from EPA premises, and without the use of any government personnel or government property such as telephones, office supplies, or office machines.

My approval is valid only for the three actives referenced above. It will be necessary for you to obtain your supervisors' approval if your outside activities require any changes in your work schedules. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activities.

Please call Steven L. Jawgiel, Assistant Deputy Ethics Official, at (415) 972-3876 if you have any questions.

cc: Employees' Official Ethics Files  
Steven Jawgiel (ORC-2)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

**MEMORANDUM**

To: Nancy Marvel  
Regional Counsel  
Deputy Ethics Official  
Region IX

From: FOIA EXC  
Senior Counsel  
Region IX  
Grade 15

Date: February 9, 2009

Re: Request for Approval of Outside Writing Activities related to Climate Change

The purpose of this memorandum is to request approval to publish articles related to climate change in my personal capacity. Below is the information requested in 5 CFR § 6401.103 (b):

**(1) *Employees' name, title and grade:***

FOIA EXC Senior Counsel (Attorney Advisor), Grade 15

**(2) *Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:*** I am requesting approval to submit three articles for publication in the following publications: (1) the FOIA EXC ater website, (2) FOIA EXC EXC online journal; and (3) FOIA EXC online blog. I plan to submit these articles for publication in referenced journals, along with my wife, FOIA EXC who is also an EPA employee and is also seeking your approval for our jointly submission of these articles. There is no compensation involved. The presentations would address (a) the urgency of addressing climate change effectively, (b) the use of cap-and-trade to address climate change, (c) the use of carbon fees to address climate change, and (d) other measures to address climate change.

**(3) *The name and business of the person or organization for which the work will be done (in case of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):***

The articles are intended to provide public education via websites maintained by the above-named institutions (FOIA EXC (based in New York), FOIA EXC (based in London) and EXC Magazine (based in Washington, D.C.) regarding the urgency of climate change and the choices available to address climate change.



Walker  
Smith/DC/USEPA/US  
03/18/2008 12:59 PM

To Gary Jonesi/DC/USEPA/US@EPA  
cc  
bcc  
Subject Re: Outside activity approval for: FOIA Ex. 6

I approve this request.

Walker B. Smith, Director  
Office of Civil Enforcement  
Office of Enforcement and Compliance Assurance  
U.S Environmental Protection Agency  
202.564.2220  
Gary Jonesi/DC/USEPA/US



Gary Jonesi/DC/USEPA/US  
03/18/2008 11:55 AM

To Walker Smith/DC/USEPA/US@EPA  
cc  
Subject Outside activity approval for: FOIA Ex. 6

Hi Walker. This is the same thing that Ex 6 did last year, which is to do a presentation on environmental law during a 2-hour Environmental Health class at the University of FOIA Exemption 6. She is not getting paid (but is having her travel expense reimbursed) and would do it on her personal time (on annual leave). I recommend that you respond to this message indicating your approval. Thanks very much.  
--Gary

----- Forwarded by Gary Jonesi/DC/USEPA/US on 03/18/2008 11:37 AM -----

Ex. 6 DC/USEPA/US  
03/18/2008 11:25 AM

To Gary Jonesi/DC/USEPA/US@EPA, Kenneth Schefski/DC/USEPA/US@EPA  
cc  
Subject Fw: Ethics form for presentation at UNC

Gary: I have been asked to speak again at Ex 6 for a seminar session on environmental law. I did this last year and I have revised the ethics form I submitted last year to coincide with the date for this year (4/08) and a modification of the time I will need to prepare for the presentation. I have also attached my previous submission (in emails below) from last year.

Is the form below all that I will need to do to in order to deliver this presentation at Ex 6? I believe KC has to approve the request/form first and then Walker has to approve the same?

Thank you!

(b) *Form and content of request*. The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor (for the supervisor's information) and shall include:

(1) Employee's name, title and grade;

FOIA Ex. 6; Attorney-Adviser, GS 15

(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;

I will present an overview of environmental law for an environmental health seminar at the University of FOIA Ex. 6. The environmental health seminar is a graduate course for students receiving their masters in public health sciences. The course meets weekly for 2 hours. I will present a session on environmental law at one of the weekly seminar classes to coincide with the course reading which is a chapter on environmental law.

I will not receive compensation for the presentation, although my travel will be paid for by FOIA Ex. 6.

(3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);

University of FOIA Ex. 6, College of Health and Human Services, Department of Health Behavior and Administration; Course is Environmental Health attended by 12 students.

(4) The estimated time to be devoted to the activity;

The presentation will be 2 hours, my preparation for the presentation will approximately be 3 hours (presentation is already drafted from last year; time will be spent on minor updates/revisions).

(5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);

The presentation will be Tuesday, April 8 during work hours. I will be out of the office on Tuesday April 8, on annual leave (and part of April 9 on AL).

(6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;

No official duty time or Government property, resources, or facilities not available to the general

public will be used in connection with my presentation for the Environmental Health seminar

(7) The basis for compensation (e.g., fee, per diem, per annum, etc.);

There will be no compensation.

(8) The employee's statement that he or she has read, is familiar with and will abide by the restrictions described in 5 CFR part 2635 and §6401.102; and

I have read, am familiar with and will abide by the restrictions described in 5 CFR part 2635 and 5 CFR 6401.102.

(9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

Not applicable

----- Forwarded by *FOIA Ex. 6* DC/USEPA/US on 03/18/2008 11:11 AM -----



Gary Jonesi/DC/USEPA/US

03/16/2007 10:56 PM

*EX 6* DC/USEPA/US@EPA

cc Walker Smith/DC/USEPA/US@EPA

Subject Re: Ethics form for presentation at UNC

*Ex. 6* Looks good. If you send this to your immediate supervisor (by e-mail is fine), when it comes to me I will promptly forward that e-mail to Walker Smith for her approval, which she should provide pretty quickly. I am copying Walker on this as a heads up, to expedite her review when she receives the request that been through your immediate supervisor. Thanks.

--Gary

*Ex. 6* DC/USEPA/US



*EX. 6* DC/USEPA/US

03/16/2007 05:11 PM

To Gary Jonesi/DC/USEPA/US@EPA

cc

Subject Ethics form for presentation at *EX 6*

Gary: Here is the Ethics form that I have completed for review and approval for my presentation at *FOIA Ex. 6*, Environmental Health seminar.

---

(b) *Form and content of request*. The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor (for the supervisor's information) and shall include:

(1) Employee's name, title and grade;

FOIA Ex. 6 Attorney-Adviser, GS 15

(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;

I will present an overview of environmental law for an environmental health seminar at the University of FOIA Ex. 6. The environmental health seminar is a graduate course for students receiving their masters in public health sciences. The course meets weekly for 2 hours. I will present a session on environmental law at one of the weekly seminar classes to coincide with the course reading which is a chapter on environmental law.

I will not receive compensation for the presentation, although my travel will be paid for by Ex. 6.

(3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);

University of FOIA Ex. 6 College of Health and Human Services, Department of Health Behavior and Administration; Course is Environmental Health attended by 10 students.

(4) The estimated time to be devoted to the activity;

The presentation will be 2 hours, my preparation for the presentation will approximately be 6 hours.

(5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);

The presentation will be Tuesday, March 27 during work hours. I will be out of the office on Tuesday March 27, on annual leave.

(6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;

No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with my presentation for the Environmental Health seminar.

(7) The basis for compensation (e.g., fee, per diem, per annum, etc.);

There will be no compensation.

(8) The employee's statement that he or she has read, is familiar with and will abide by the restrictions described in 5 CFR part 2635 and §6401.102; and

I have read, am familiar with and will abide by the restrictions described in 5 CFR part 2635 and 5 CFR 6401.102.

(9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

Not applicable

~~FOIA Ex 6~~  
Attorney-Adviser  
U.S. EPA/OECA-OCE-WCED  
1200 Pennsylvania Ave, N.W.  
Mailcode 2246A  
Washington, D.C. 20460  
Phone: (202) 564-4209  
FAX: (202) 564-0022  
saenz.diana@epa.gov

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**Re: Request to represent someone pursuant to 18 USC 205(d); Outside Activity**

Adam Kushner to: FOIA Ex 6  
Cc: Jeanne Duross

06/28/2011 03:44 PM

From: Adam Kushner/DC/USEPA/US  
To: FOIA Ex 6 DC/USEPA/US@EPA  
Cc: Jeanne Duross/DC/USEPA/US@EPA

Cheryl:

I approve of this request, for now.

I am copying Jeanne Duross on this e-mail (as you know she is out) in case Jeanne has a different take upon her return.

Adam

Adam M. Kushner  
Director  
Office of Civil Enforcement  
United States Environmental Protection Agency  
1200 Pennsylvania Ave., N.W.  
Washington, D.C. 20460  
Telephone: 202-564-2220  
Facsimile: 202-564-0011

Help eliminate environmental violations - report tips and complaints at:

<http://www.epa.gov/compliance/complaints/index.html>

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FOIA Ex 6

Adam, Here is my request for outside activity tha... 06/27/2011 11:58:26 AM

From: FOIA Ex 6 /DC/USEPA/US  
To: Adam Kushner/DC/USEPA/US@EPA  
Date: 06/27/2011 11:58 AM  
Subject: Request to represent someone pursuant to 18 USC 205(d); Outside Activity

Adam,

Here is my request for outside activity that I just mentioned to you. I just learned of this on Thursday. My sister has a conference scheduled for tomorrow, and I would like to help her prepare, if possible. If that is not enough time for you to evaluate the request, then I will, of course, await approval. Below is the message I received from Justina Fugh. She instructs me that the request must go through my supervisor



to the Deputy Ethics Official, but it occurs to me that you are also my supervisor, so maybe it does not need to also go to Mark or Joe. If you think a paper signature is needed, attached is a copy to print out. If email is the normal practice, that is OK with me. Also attached is a copy of the related legal provisions (18 USC 205(a) and (d)). Please let me know if you need anything else. Thanks.

From: Ex. 6 Senior Attorney, GS 15

To: Adam Kushner, Deputy Ethics Official

Subject: Request for Approval of Outside Activity

This is a request for clearance to represent a family member in disciplinary or personnel administrative proceedings before agencies of the United States other than EPA.

Pursuant to 18 USC § 205(a), an employee of the United States is prohibited from acting as agent or attorney for anyone before any department, agency or court in connection with any covered matter in which the United States is a party. An exception, however, in 18 USC § 205(d), is that an employee may represent, without compensation, any person who is the subject of disciplinary or other personnel administrative proceedings in connection with those proceedings, provided this is "not inconsistent with the faithful performance of that officer's or employee's duties."

I am not a labor lawyer and do not have any personnel or disciplinary responsibilities. EPA is not involved in the related proceedings. I believe, therefore, that my representation would not be "inconsistent with the faithful performance" of my duties.

My involvement in this outside activity may include researching and advising on legal requirements; drafting documents; attending meetings, conference calls and hearings; and providing other assistance, as needed. I will not be compensated for this work, which I would like to perform for my sister, Ex. 6 an employee of the Department of Agriculture.

I will perform these activities on my own time. I expect that this might take several days of work, spread out over several months. I may be required to take time away from work during business hours, and will take annual leave if this happens.

No official duty time or government property, resources or facilities not available to the general public will be used in connection with the outside employment. I am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on "Outside Activities") and Section 6401.102 (EPA's Supplemental Regulations). My sister does not hold any EPA assistance agreements or contracts.

Proposed consent language:

I have reviewed this request and conclude that it is not inconsistent with the faithful performance of Ex. 6 duties for her to engage in this activity. I consent to this outside activity.

---

Adam Kushner, Director  
Office of Civil Enforcement  
Deputy Ethics Official

[attachment "18 USC 205.pdf" deleted by Adam Kushner/DC/USEPA/US] [attachment "Letter for Ethics Clearance: Ex. 6 .docx" deleted by Adam Kushner/DC/USEPA/US]

FOIA Ex. 6

Senior Attorney  
Water Enforcement Division  
Office of Civil Enforcement - OECA  
(202) 564-4136

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— Forwarded by Cheryl Rose/DC/USEPA/US on 06/27/2011 11:49 AM —

From: Justina Firth/DC/USEPA/US  
To: Ex. 6 DC/USEPA/US@EPA  
Date: 06/24/2011 04:48 PM  
Subject: Re: request to represent someone pursuant to 18 USC 205(d)

---

No, your DEO is Adam Kushner.

Ex. 6

Justina, Thank you so much for taking the time L...

06/24/2011 04:41:54 PM

{In Archive} Re: Approval Request Re: Pro bono work -- Outside Activity 

Adam Kushner to: Jeanne Duross

10/14/2010 08:11 AM

From: Adam Kushner/DC/USEPA/US  
To: Jeanne Duross/DC/USEPA/US@EPA

---

History: This message has been forwarded.  
Archive: This message is being viewed in an archive.

Approved.

-----  
Adam Kushner  
Director  
Office of Civil Enforcement USEPA  
202-564-7979

Sent by EPA Wireless E-Mail Services  
Jeanne Duross

----- Original Message -----

From: Jeanne Duross  
Sent: 10/13/2010 03:07 PM EDT  
To: Adam Kushner  
Subject: Fw: Approval Request Re: Pro bono work -- Outside Activity

Adam:

Below is a request from; <sup>FOIA</sup> ~~Ex 6~~ (AED) for Outside Activity Approval for her work as a Guardian Ad Litem in a pro bono case that was referred to her by the <sup>Ex 6</sup> Law Center before she began employment with EPA. Please note that her request is time-sensitive as there is a status hearing scheduled for November 19, 2010.

Having reviewed her written request, I recommend that you approve her outside activity.

Please let me know if you have any questions.

-Jeanne

---

Jeanne M. Duross  
Attorney-Advisor  
Special Litigation and Projects Division  
U.S. EPA  
(202)564-6595

May contain confidential information for internal deliberation, attorney-client information, and/or attorney work product.

----- Forwarded by Jeanne Duross/DC/USEPA/US on 10/13/2010 03:03 PM -----

From: <sup>Ex 6</sup> DC/USEPA/US  
To: Jeanne Duross/DC/USEPA/US@EPA  
Cc: Jacqueline Werner/DC/USEPA/US@EPA  
Date: 10/13/2010 11:57 AM  
Subject: Approval Request Re: Pro bono work -- Outside Activity

---



Jeanne and Jacqueline,

As we discussed, attached is my Request for Approval for conducting Pro Bono Work/Outside Activity.

Thank you,  
FOIA Ex 6

[attachment "Request for Approval for Outside Employment by [redacted].docx" deleted by Adam Kushner/DC/USEPA/US]

FOIA Ex 6 Attorney-Advisor  
United States Environmental Protection Agency  
Office of Civil Enforcement - Air Enforcement Division  
Ariel Rios Building South, Room 1147A  
1200 Pennsylvania Ave., N.W. (MC 2242A)  
Washington D.C. 20460 (Courier 20004)  
Direct: 202-564-5472  
Fax: 202-564-0069  
Email: EYL@epa.gov

Jeanne Duross FOIA Ex 6: Below are the relevant EPA regulations d...

10/07/2010 02:29:52 PM

From: Jeanne.Duross/DC/USEPA/US  
To: EYL/DC/USEPA/US@EPA  
Date: 10/07/2010 02:29 PM  
Subject: Pro bono work – Outside Activity

FOIA Ex 6

Below are the relevant EPA regulations defining when advance approval is needed for outside employment. These can also be found at <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=2fbdbaa6e566574f9a015304be9990b2&rgn=div5&view=text&node=5:3.0.34.11.1&idno=5#5:3.0.34.11.1.0.50.3>.

Please submit your request for approval using the format below. I suggest that you cut and paste your information into paragraph (b)(1) through (9) below (brief narratives are OK). Then you should send it to me via e-mail with an informational "cc" to your immediate supervisor. I will then forward it to Adam with a recommendation that he approve it, which he usually does very quickly.

Thanks very much.

Jeanne Duross  
Asst. Deputy Ethics Official  
202-564-6595

§ 6401.103 Prior approval for outside employment.

Request for Approval for Outside Employment/Pro Bono Work by: FOIA Ex. 6

Form and content of request. The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor (for the supervisor's information) and shall include:

(1) Employee's name, title and grade:

FOIA Ex. 6

Attorney Advisor

GS-15

(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;

To continue to serve as a *Co-Guardian Ad Litem* (GAL) in a contested custody case, FOIA Ex. 6, before the D.C. Superior Court on a pro bono basis (i.e., no compensation). I was appointed as a GAL in the case in September 2009, along with FOIA Ex. 6 Corporation. In our capacity as co-GALs, we represent the best interest of the minor child, FOIA Ex. 6 to the Court. Activities include meetings with Ex. 6 her teachers, her parents and grandparents, childcare providers, and others, to assess her well-being and to make recommendations to the Court as to her best interests in the contested custody matter. Activities also include representing Ex. 6 best interest in D.C. Superior Court during status hearings and other Court actions. The next status hearing in the case is scheduled for November 19, 2010 at 10:30 a.m.

(3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);

The case was referred to me by the FOIA Ex. 6 Law Center (Ex. 6) and attorneys at the Ex. 6 continue to serve as mentors in the case. However, the appointment as GAL was made by the D.C. Superior Court. I serve as a GAL only for FOIA Ex. 6 and not for any other children, nor do I currently expect to serve as GAL for any other children.

(4) The estimated time to be devoted to the activity;

Status hearings can take 1-4 hours depending on the judge's docket for the day, and are usually held every few months. However, this case is likely to settle or be wrapped up shortly and I anticipate only 1-2 more status hearings at this time. The next status hearing is scheduled for November 19, 2010 at 10:30 a.m.

Visits with Ex. 6 and others can take between 1-3 hours and generally are conducted once a month or more frequently prior to a status hearing. These visits can be conducted after business/work hours.

(a) *Requirement for approval.* An employee shall obtain approval from his or her Deputy Ethics Official before engaging in outside employment, with or without compensation, that involves:

(1) Consulting services;

(2) The practice of a profession as defined in 5 CFR 2636.305(b)(1);

(3) Holding State or local public office;

(4) Subject matter that deals in significant part with the policies, programs or operations of EPA or any matter to which the employee presently is assigned or to which the employee has been assigned during the previous one-year period; or

(5) The provision of services to or for:

(i) An EPA contractor or subcontractor;

(ii) The holder of an EPA assistance agreement or subagreement; or

(iii) A firm regulated by the EPA office or Region in which the employee serves.

(b) *Form and content of request.* The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor (for the supervisor's information) and shall include:

(1) Employee's name, title and grade;

(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;

(3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);

(4) The estimated time to be devoted to the activity;

(5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);

(6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;

(5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);

Visits with ExL and others can usually occur after business/work ours and thus can be entirely outside of normal duty hours. However, status and other hearings before the Judge take place during normal duty hours. These hearings can last between 1-4 hours. I anticipate one more status hearing this calendar year and potentially one more hearing in the first quarter of 2011. After that, it is likely that the case will be settled.

(6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;

Any work that is required to be conducted on official duty time (e.g., attendance at Court Hearings) will be done using annual leave or, with permission of my supervisor, will be made up during my work schedule. No other Government property or resources will be used.

(7) The basis for compensation (e.g., fee, per diem, per annum, etc.);

The work will be done on an entirely *pro bono* basis, i.e., no compensation.

(8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102;

I have read and am familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

(9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

Not Applicable.

(7) The basis for compensation (e.g., fee, per diem, per annum, etc.);

(8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102; and

(9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

(c) *Standard for approval.* Approval shall be granted only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and §6401.102. The decision must be in writing.

(d) *Keeping the record up-to-date.* If there is a change in the nature or scope of the duties or services performed or the nature of the employee's business, the employee must submit a revised request for approval. Where an employee transfers to an organization for which a different Deputy Ethics Official has responsibility, the employee must obtain approval from the new Deputy Ethics Official. In addition, each approved request is valid only for five years unless the employee's Deputy Ethics Official specifies a longer time period.

(e) *Definition of employment.* For purposes of this section, "employment" means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher, or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organizations, unless such activities are for compensation other than reimbursement for expenses.

---

Jeanne M. Duross  
Attorney-Advisor  
Special Litigation and Projects Division  
U.S. EPA  
(202)564-6595

May contain confidential information for internal deliberation, attorney-client information, and/or attorney work product.

FOIA Ex 6	Thanks, Jeanne. And actually the pro bono case...	10/06/2010 08:59:41 AM
Jeanne Duross	Hi FOIA Ex 6 is in reference to the message Ja...	10/06/2010 08:56:14 AM
FOIA Ex 6	Hi Jeanne, I have a pro bono case that I'm hand...	10/06/2010 08:47:02 AM





Re: Approval of Outside Employment

Adam Kushner to: FOIA ExC

Cc: Mark Badalamente

04/29/2009 04:09 PM

---

History: This message has been replied to.

---

Approved.

Adam M. Kushner  
Director  
Office of Civil Enforcement  
United States Environmental Protection Agency  
1200 Pennsylvania Ave., N.W.  
Washington, D.C. 20460  
Telephone: 202-564-2220  
Facsimile: 202-564-0011

Help eliminate environmental violations - report tips and complaints at:

<http://www.epa.gov/compliance/complaints/index.html>

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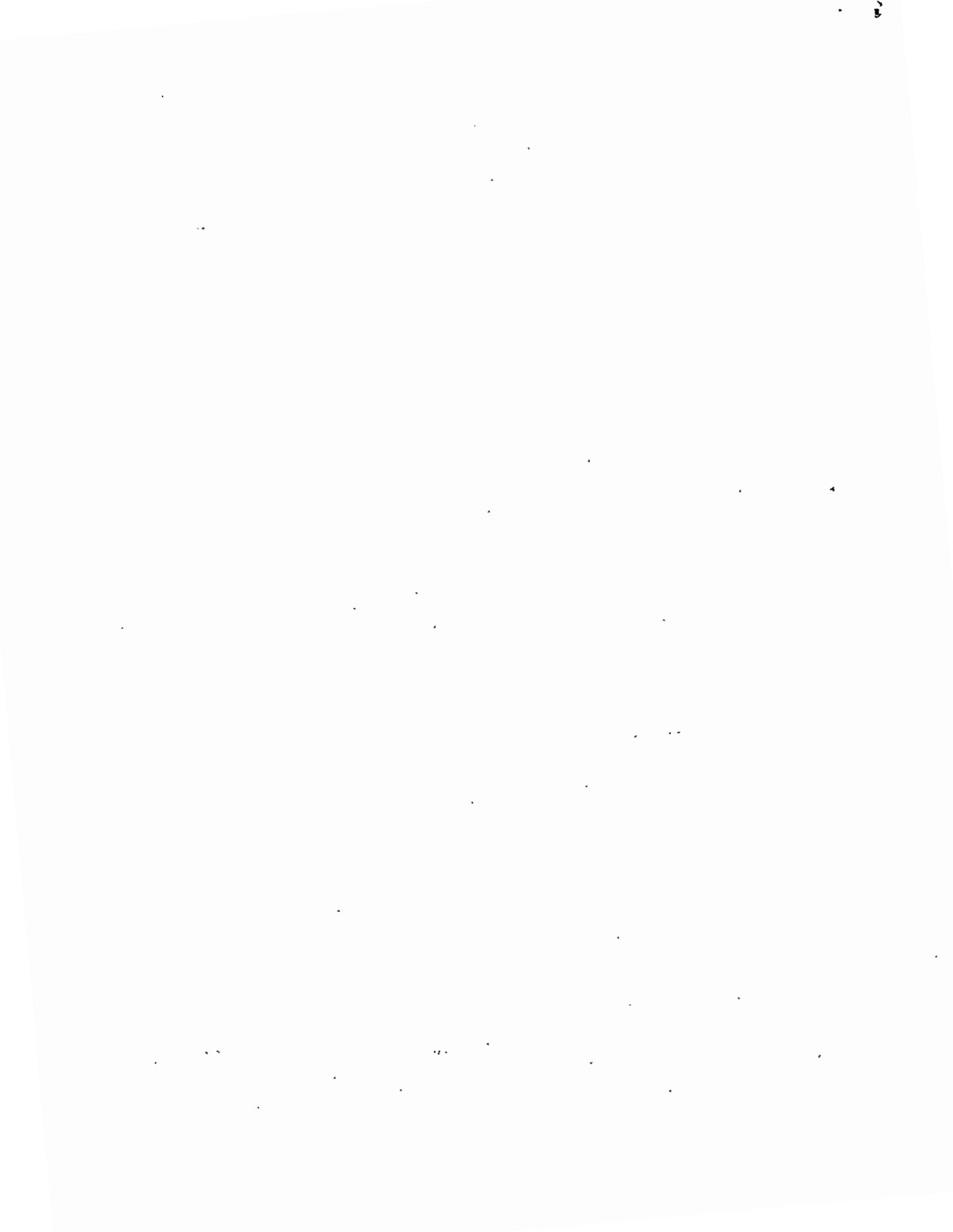
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From: FOIA ExC /DC/USEPA/US  
To: Adam Kushner/DC/USEPA/US@EPA  
Cc: Mark Badalamente/DC/USEPA/US@EPA  
Date: 04/29/2009 02:01 PM  
Subject: Approval of Outside Employment

---

Adam: Pursuant to 5 CFR 6401.103, you will soon be seeing a couple of requests for approval of outside activities. They should not present any problems. More on those later.

In the meantime, I have such a request for myself, and ask for your prompt approval. In short, it would involve uncompensated writing, specifically a short (2-3 page) description of the EAB process as part of the ABA-published "Clean Water Act Handbook" that ExC of Region X edits. This is an update to the 2005 Second Edition in which ExC and others from EPA contributed pieces. My EAB piece would be a rather dry factual summary devoid of any opinion and would contain the standard disclaimer that the views do not necessarily reflect the views of EPA. I am happy to share my draft with you in



advance of submittal to ~~FOIA Ex 6~~

Here's the info required by the regulations for approval. Please let me know as soon as you can if this is approved or if you have any questions.

(1) Employee's name, title and grade;

~~FOIA Ex 6~~ Senior Counsel, GS-905-15/10

(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;

**Writing a short summary of the Environmental Appeals Board (EAB) as a small section in the ABA-published "Clean Water Act handbook" edited by Mark Ryan of Region X. No compensation is expected.**

(3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);

**The American Bar Association (ABA) publishes the book, which is edited by Mark Ryan of EPA Region X.**

(4) The estimated time to be devoted to the activity;

**3-4 hours.**

(5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);

**The work will be performed entirely outside of normal duty hours.**

(6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;

**No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.**

(7) The basis for compensation (e.g., fee, per diem, per annum, etc.);

**Not applicable, since no compensation will be obtained.**

(8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102; and

**I have read, am familiar with, and will abide by, the restrictions described in 5 CFR part 2635 and §6401.102.**

(9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

**None.**

I am familiar with and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102.

The State Bar of \_\_\_\_\_ is not, to my knowledge, the recipient of any EPA assistance agreements or contracts.

Please let me know if you have any questions or require any additional information.

FOIA EXEMPTION  
FOIA ex 6

6/25/2008  
Date

Approved:

\_\_\_\_\_  
Nancy J. Marvel

\_\_\_\_\_  
Date

Disapproved:

\_\_\_\_\_  
Nancy J. Marvel

\_\_\_\_\_  
Date

cc: Steven L. Jawgiel (Assistant Regional Counsel/Assistant Deputy Ethics Official)



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION IX**  
**75 Hawthorne Street**  
**San Francisco, CA 94105**

**MEMORANDUM**

SUBJECT: Permission to Participate in Outside Employment

FROM: *Nancy J. Marvel*  
Nancy J. Marvel  
Regional Counsel and Deputy Ethics Official

TO: FOIA EX 6  
Assistant Regional Counsel

DATE: September 15, 2008

This is in response to your August 4, 2008 request for approval to engage in outside employment with the State Bar of FOIA EX 6. Specifically, your outside employment request seeks approval to participate as a moderator for an environmental law panel on October 19, 2008 at the FOIA EX 6 Environmental Law Conference. The panel will be addressing updates on Rapanos litigation. You similarly seek approval to attend an Environmental Law Executive Committee meeting at the FOIA EX 6 Conference. You will perform these activities completely outside of your normal EPA duty hours. The State Bar of FOIA EX 6 will compensate you with travel expenses and one night of lodging for participating in the Executive Committee meeting. Based upon the information available to me, the State Bar of FOIA EX 6 is not gifting you these items because of your status as an EPA employee.

EPA's standards of conduct regulations at 5 C.F.R. §6401.103 require employees to obtain administrative approval before engaging in certain types of outside employment, including activities that deal in significant part with the policies, programs, or operations of the EPA. You are required to obtain prior approval for your proposed FOIA EX 6 Conference activities because the above-referenced activities deal in significant part with EPA's policies, programs, and operations.

Based on the information in your memoranda and in your September 2, 2008 email, I approve your request. I recommend that you review the standards of conduct regulations at 5 C.F.R. Part 2635, to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside employment. Please note in particular 5 C.F.R. §2635.702, which prohibits the use of your public office for private gain, and 5 C.F.R. §2635.807(b), which prohibits (with certain exceptions) an employee from using or permitting the use of his or her official title or position in connection with the employee's outside teaching, speaking, or writing activities. It is important to note that under 5 C.F.R. §2635.807(b)(1),

You must not represent your outside clients in their dealings with EPA or any other federal agency or federal court. See 5 C.F.R. § 2635.801(d)(4) and 18 U.S.C. §§ 203 and 205.

In performing your duties at EPA, you should not work on matters that involve your outside clients. This restriction applies during the period that you are employed and for one year thereafter. See 5 C.F.R. §§ 2635.401 - .403 and 2635.501 - .502.

My approval under 5 C.F.R. § 6401.103 is valid for up to five years from the date of this memorandum. Please keep in mind that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to me for administrative approval if there is a change in the nature or scope of the duties or services performed in your outside activity.

Please call Steven L. Jawgiel, Deputy Ethics Official, at 972-3876 if you have any questions.

cc: Steven L. Jawgiel (ORC-2)  
Employee's Official Ethics File



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

**MEMORANDUM**

To: Nancy Marvel  
Regional Counsel  
Deputy Ethics Official  
Region IX

From: \_\_\_\_\_  
Deputy Branch Chief, Hazardous Waste Branch, Office of Regional Counsel  
Region IX  
GS-15

Date: June 25, 2008

Re: Request for Approval of Outside Activity

The purpose of this memorandum is to request approval for participation as an Advisor to the Executive Committee of the Environmental Law Section of the State Bar of \_\_\_\_\_. I am submitting this request adapting a form provided by Steve Jawgiel for this purpose.

I would participate in meetings as my schedule permits and likely also assist in some planning of activities, such as presentations at State Bar sponsored conferences. Meetings are monthly and last about 3 hours. Ordinarily I would plan to participate by phone for out-of-town meetings. There is no compensation.

The organization's address is as follows:

Environmental Law Section  
State Bar of \_\_\_\_\_  
FOIA ExC  
FOIA ExC  
FOIA ExC

I would estimate that serving as an Advisor would take about 3-5 hours a month during most of the year, but if I am assisting on a major project, it could be as high as 20 hours for a month or two during the year. I anticipate that most of the service will be performed during normal duty hours.

No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the activity, except as is consistent with the Agency's incidental use policy and other applicable Agency policies or regulations (e.g., 5 CFR Part 251).

(7) **The basis for compensation:** No compensation expected.

(8) I state that have read, and am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102.

(9) I am not aware of any EPA assistance agreements or contracts held by Golden Gate University.

I greatly appreciate your consideration and assistance with this matter. Please feel free to contact me at ext. 2-3870 with any questions.

FOIA Exemption 6

FOIA Ex 6.

April 7, 2008  
Date

cc: Steven L. Jawgiel (Assistant Regional Counsel/Assistant Deputy Ethics Official)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

MEMORANDUM

SUBJECT: Permission to Participate in Outside Employment

FROM: *Nancy J. Marvel*  
Nancy J. Marvel  
Regional Counsel and  
Deputy Ethics Official

To: Michael Hingerty  
Deputy Branch Chief, Hazardous Waste Branch

Date: July 3, 2008

This is in response to your memorandum dated June 25, 2008 requesting permission to act as an advisor to the Executive Committee of the Environmental Law Section of the State Bar of California. You will not receive paid compensation from the State Bar of California as stated in your memorandum. Furthermore, you expect that this outside activity will consume approximately 3-5 hours per month. Although you will attempt to conduct this activity outside EPA work hours, you will utilize your annual leave or other forms of approved leave in the event that this activity needs to be accomplished during normal EPA duty hours.

EPA's standards of conduct regulations at 5 C.F.R. §6401.103 require employees to obtain administrative approval before engaging in certain types of outside activities, including professional activities.

Based on the information in your memorandum, I approve your request.

I recommend that you review the standards of conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activity. Please note in particular 5 C.F.R. §2635.807(b) which prohibits, with certain exceptions, an employee from using or permitting the use of his or her official title or position in connection with the employee's outside activities and the restrictions in 5 C.F.R. §2635.703 on the use of non-public information for private purposes.

You are also reminded that under the general standards of conduct regulations in Part 2635 you must undertake outside activities only on your own time (including duly approved annual leave or compensatory time), away from EPA premises, and without the use of any government personnel or government property such as telephones, office supplies, or office machines.

In performing your duties at EPA, you should not work on matters that involve your outside employer. This restriction applies during the period you are employed and for one year thereafter. See 5 C.F.R. 2635.401 - .403 and 2635.501 - .502.

This approval is valid until April 9, 2008 . In addition, please keep in mind that 5 C.F.R. §6401.103(d) requires you to submit a revised request to me for administrative approval if there is a change in the nature or scope of the duties or services performed in your outside employment.

Finally, although I have approved your outside employment request, you must still obtain supervisory approval of any leave that you plan to take in conjunction with your outside employment.

Please call Steven L. Jawgiel, Deputy Ethics Official, at 972-3876 if you have any questions.

cc: Steven L. Jawgiel (ORC-1)  
Employee Confidential Disclosure File



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

**MEMORANDUM**

To: Nancy Marvel  
Regional Counsel  
Deputy Ethics Official  
Region IX

From: FOIA EX 61  
Assistant Regional Counsel  
Region IX  
GS-14

Date: April 7, 2008

Re: Request for Approval of Outside Employment or Activities: Guest Lecture at Golden Gate University School of Law on April 8, 2008.

The purpose of this memorandum is to request approval for outside employment with (Name of Organization). Below is the information requested in 5 CFR § 6401.103 (b):

(1) FOIA EXEMPTION 6 Assistant Regional Counsel, GS-14

(2) Guest lecture one-hour environmental law class (on general topic of Safe Drinking Water Act) at FOIA EX 6 University School of Law, on April 8, 2008. No compensation is expected.

(3) ***The name and business of the person or organization for which the work will be done:***  
FOIA EX 6 University School of Law

(4) ***The estimated time to be devoted to the activity:*** 1 hour of personal annual leave time will be devoted to this activity.

(5) ***Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from the work required):*** 1 hour of annual leave from work will be requested.

(6) I state that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

Service will be performed when I'm in FOIA Ex 6 on already scheduled and approved annual leave so it is outside of normal duty hours.

**(6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment:**

No official duty time or government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

**(7) The basis for compensation:**

Unpaid, no compensation.

**(8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102:**

I've reviewed those regulations and will abide by them. In particular, I've reviewed 5 CFR § 2635.807 (teaching, speaking and writing) and I understand that my official position should only be noted along with other relevant biographical details and that I'll need to provide a clear disclaimer that I'm talking as a private individual and not on behalf of the EPA.

**(9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided:**

Professor Ex 6 doesn't hold any, and he wasn't aware of any EPA assistance agreements or contracts held by FOIA Ex 6 collage. However, I can't rule out the possibility that other professors at \_\_\_\_\_ might have research contracts funded directly or indirectly by EPA.

I greatly appreciate your consideration and assistance with this matter. Please feel free to contact me at (415) 972-3890 with any questions.

FOIA Ex 6  
FOIA Ex 6

February 11, 2008  
Date

cc: Steven L. Jawgiel (Assistant Regional Counsel/Assistant Deputy Ethics Official)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

MEMORANDUM

SUBJECT: Permission to Participate in Outside Activity  
FROM: *Nancy J. Marvel*  
Nancy J. Marvel  
Regional Counsel and Deputy Ethics Official  
TO: *FOR G/L*  
Assistant Regional Counsel  
DATE: April 7, 2008

This is in response to your memorandum dated April 7, 2008, requesting permission to present a one-hour guest lecture on an overview of the Safe Drinking Water Act at the ~~FOIA EX~~ University School of Law. The lecture will take place on April 8, 2008. You further noted that you will likely need one hour of annual leave to participate in this activity. Otherwise, the proposed activity will be performed entirely outside of your normal EPA duty hours. Likewise, you will not use any EPA property, resources, or facilities not available to the general public. You also stated you will not receive any compensation for your services

EPA's standards of conduct regulations at 5 C.F.R. §6401.103 require employees to obtain administrative approval before engaging in certain types of outside that relate to EPA's mission. 5 CFR 2635.807(a)(3) allows Federal employees to accept compensation to teach a course that relates to his/her official duties if the course is part of a regularly established curriculum of an institution of higher education.

Based on the information in your memoranda, I approve your request. I recommend that you review the standards of conduct regulations at 5 C.F.R. Part 2635, to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside employment. Note also that under the general standards of conduct regulations in Part 2635, you must undertake outside employment activities only on your own time (including duly approved annual leave or compensatory time), away from EPA premises, and without the use of any government personnel or government property such as telephones, office supplies, or office machines.

You must assure that your activities not be construed as implying official EPA sanction or endorsement of any activity, product, service, or enterprise. See 5 C.F.R. 2635.702(b) and (c). Please also note the restrictions in 5 C.F.R. §2635.703 on the use of nonpublic information. You must not represent your outside employer in its dealings with EPA or any federal agency or federal court. 5 C.F.R. §2635.801(d)(4) and 18 U.S.C. §§203 and 205.

This approval is valid for this request only. In the event that you decide to continue your outside employment beyond this date, you must submit another request for administrative approval. In addition, please keep in mind that 5 C.F.R. §6401.103(d) requires you to submit a revised request to me for administrative approval if there is a change in the nature or scope of the duties or services performed in your outside employment.

Please call me if you have any questions.

cc: Employee Confidential Disclosure File



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

**MEMORANDUM**

To: Nancy Marvel  
Regional Counsel  
Deputy Ethics Official  
Region IX

From: FOIA Ex 6  
Assistant Regional Counsel  
Region IX  
GS-14

Date: February 11, 2008

Re: Request for Approval of Outside Employment or Activities: Guest Speaker at POLS 393:  
Environmental Law FOIA Ex 6 College, February 20, 2008

The purpose of this memorandum is to request approval for outside employment (unpaid guest lecturer invitation) with FOIA Ex 6 College. Below is the information requested in 5 CFR § 6401.103 (b):

**(1) Employee's name, title and grade:**

FOIA Ex 6, Assistant Regional Counsel, GS-14

**(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:**

Unpaid guest lecturer in Environmental Law class (POLS 393: Environmental Law) at FOIA Ex 6 College. No compensation expected.

**(3) The name and business of the person or organization for which the work will be done (in case of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):**

Professor FOIA Ex 6 of FOIA Ex 6 College extended the invitation.

**(4) The estimated time to be devoted to the activity:**

1 hour

**(5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from the work required):**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105**

**MEMORANDUM**

**SUBJECT:** Permission to Participate in Outside Employment - Supplement

**FROM:** FOIA EXEMPTION 24X6  
Deputy Branch Chief  
Office of Regional Counsel

**THROUGH:** Steven L. Jawgiel  
Assistant Regional Counsel/Assistant Deputy Ethics Official  
Office of Regional Counsel

**TO:** Nancy J. Marvel  
Regional Counsel and Deputy Ethics Official  
Office of Regional Counsel

**DATE:** August 27, 2009

The purpose of this memorandum is to request approval for designation as a Vice-Chair of the American Bar Association Section of Environment, Energy and Resources ("SEER") State and Regional Environmental Cooperation Committee ("SRECC"). In my capacity as an Advisor of the State Bar of California Environmental Law Section Executive Committee, I have been asked to serve as the Executive Committee's liaison to SRECC. It is my understanding that the liaison is designated a Vice-Chair of the SRECC.

Although my activities would already be subject to the previously approved participation as an Advisor to the Environmental Law Section Advisory Committee (see Memo of July 3, 2008, attached), I am submitting this request to address any potential issues that might arise as a result of my designation as a Vice-Chair of the SRECC during the period that I serve as liaison for the State Bar.

I am told that the liaison activities are not extensive and principally constitute participation in monthly conference calls which last no more than an hour. I do not expect this to materially increase the amount of time already being spent on behalf of the Executive Committee, which is ordinarily an estimated 3-5 hours per month, and is conducted outside EPA work hours or on approved leave.

The American Bar Association is not, to my knowledge, the recipient of any EPA assistance agreements or contracts. Its address is: American Bar Association, 321 North Clark Street, Chicago, IL 60654-7598.

You are also reminded that under the general standards of conduct regulations in Part 2635 you must undertake outside activities only on your own time (including duly approved annual leave or compensatory time), away from EPA premises, and without the use of any government personnel or government property such as telephones, office supplies, or office machines.

You must not represent your outside clients in their dealings with EPA or any other federal agency or federal court. See 5 C.F.R. § 2635.801(d)(4) and 18 U.S.C. §§ 203 and 205.

In performing your duties at EPA, you should not work on matters that involve your outside clients. This restriction applies during the period that you are employed and for one year thereafter. See 5 C.F.R. §§ 2635.401 - .403 and 2635.501 - .502.

My approval under 5 C.F.R. § 6401.103 is valid for up to five years from the date of this memorandum. Please keep in mind that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to me for administrative approval if there is a change in the nature or scope of the duties or services performed in your outside activity.

Please call Steven L. Jawgiel, Deputy Ethics Official, at 972-3876 if you have any questions.

cc: Steven L. Jawgiel (ORC-2)  
Employee's Official Ethics File



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

MEMORANDUM

SUBJECT: Permission to Participate in Outside Employment

From: *Nancy J. Marvel*  
Nancy J. Marvel  
Regional Counsel and Deputy Ethics Official  
Office of Regional Counsel

To: FOIA EX 6  
Deputy Branch Chief  
Office of Regional Counsel

Date: September 3, 2009

This is in response to your memorandum dated August 27, 2009 requesting permission to act as a Vice-Chair of the American Bar Association Section of Environment, Energy and Resources ("SEER") State and Regional Environmental Cooperation Committee ("SRECC"). As Vice-Chair, you will serve as the State Bar of California Environmental Law Section Executive Committee's liaison to SRECC. This Vice-Chair position will become one of the duties of your previously approved outside activity as Advisor to the Executive Committee of the Environmental Law Section of the State Bar of California. You will not receive paid compensation for your new Vice-Chair duties. Furthermore, you expect that the Vice-Chair duties will not increase your existing commitment of 3-5 hours per month to the State Bar of California. Although you will attempt to conduct this activity outside EPA work hours, you will utilize your annual leave or other forms of approved leave in the event that this activity needs to be accomplished during normal EPA duty hours.

EPA's standards of conduct regulations at 5 C.F.R. §640.103 require employees to obtain administrative approval before engaging in certain types of outside activities, including professional activities.

Based on the information in your memorandum, I approve your request.

I recommend that you review the standards of conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activity. Please note in particular 5 C.F.R. §2635.807(b) which prohibits, with certain exceptions, an employee from using or permitting the use of his or her official title or position in connection with the employee's outside activities and the restrictions in 5 C.F.R. §2635.703 on the use of non-public information for private purposes.

(4) **The estimated time to be devoted to the activity:** The work would be done entirely on my own time. Total time to perform these activities would be approximately 20 hours.

(5) **Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from the work required):** Preparation of these articles would be performed entirely outside of my normal duty hours.

(6) **The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment:** No official duty time or Government property, resources or facilities not available to the general public will be used in connection with the outside activities.

(7) **The basis for compensation:** I will not be seeking or receiving compensation for any of the outside activities.

(8) **The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102:** I have read, am familiar with and will abide by the restrictions described in 5 CFR Part 2635 and section 6401.102. I will only mention my EPA employment among with other biographical details, in a manner similar to the presentation previously approved and provided at the website I maintain with EX6 at www.foia-ex6. To the extent that I mention my EPA employment, I will state that I am speaking only in my personal capacity as a parent and citizen and will provide a disclaimer, noting that nothing I say is intended to present the views of EPA or the federal government.

(9) **An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided:** I do not anticipate any EPA assistance agreements or contracts to be held by a person to or for whom services would be provided.

I greatly appreciate your consideration and assistance with this matter. Please feel free to contact me with any questions at FOIA EX6 or my cell FOIA EX6.

FOIA EX6

FOIA EX6

5/1/09

Date

cc: Steven L. Jawgiel (Assistant Regional Counsel/Assistant Deputy Ethics Official)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION IX  
 75 Hawthorne Street  
 San Francisco, CA 94105

**MEMORANDUM**

To: Nancy Marvel  
 Regional Counsel  
 Deputy Ethics Official  
 Region IX

From: FOIA EXC  
 Assistant Regional Counsel  
 Region IX  
 Grade 15

Date: May 1, 2009

Re: Request for Approval of Outside Writing Activities related to Climate Change

The purpose of this memorandum is to request approval to publish articles related to climate change in my personal capacity. Below is the information requested in 5 CFR § 6401.103 (b):

**(1) Employees' name, title and grade:**

FOIA EXC, Assistant Regional Counsel (Attorney Advisor), Grade 15

**(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:** I am requesting approval to submit articles and/or videos for publication and/or posting in the following publications: (1) the FOIA EXC, (2) FOIA EXC, (3) the FOIA EXEMPTIONS, (4) FOIA EXC .com, (5) The EXC, (6) the FOIA EXC, (7) EXC.org and (8) EXC.org. I plan to submit these articles for publication in referenced media, along with my husband, FOIA EXC, who is also an EPA employee and is also seeking your approval for our jointly submission of these articles and/or videos. There is no compensation involved. The articles and/or videos would address (a) the urgency of addressing climate change effectively, (b) the use of cap-and-trade to address climate change, (c) the use of carbon fees to address climate change, and (d) other measures to address climate change.

**(3) The name and business of the person or organization for which the work will be done (in case of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):** The writing activities will be to provide public education via newspapers and websites maintained by the above-named institutions (the FOIA EXC, FOIA EXC, the FOIA EXC, FOIA EXC, The EXC, the FOIA EXC, .org and EXC.org) regarding the urgency of climate change and the choices available to address climate change.

public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another. However, 5 C.F.R. §2635.807(b) allows Government employees to include or permit the inclusion of their titles or positions as one of several biographical details when such information is given to identify Government employees in connection with a speaking engagement so long as the Government title or position is given no more prominence than any other significant biographical detail.

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes.

You also need to be mindful of the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950. You particularly need to make sure that your activities are not being performed in association with a fundraising event.

You are also reminded that under the general standards of conduct regulations in Part 2635 you must undertake outside employment activities only on your own time (including duly approved annual leave or compensatory time), away from EPA premises, and without the use of any government personnel or government property such as telephones, office supplies, or office machines.

My approval is valid only for the above-referenced activities. It will be necessary for you to obtain your supervisors' approval if your outside activity requires any changes in your work schedules. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity.

Please call Steven L. Jawgiel, Assistant Deputy Ethics Official, at (415) 972-3876 if you have any questions.

cc: Employee's Official Ethics Files  
Steven Jawgiel (ORC-2)

(4) **The estimated time to be devoted to the activity:** The work would be done entirely on my own time. Total time to perform these activities would be approximately 20 hours.

(5) **Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from the work required):** Preparation of these articles would be performed entirely outside of my normal duty hours.

(6) **The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment:** No official duty time or Government property, resources or facilities not available to the general public will be used in connection with the outside activities.

(7) **The basis for compensation:** I will not be seeking or receiving compensation for any of the outside activities.

(8) **The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102:** I have read, am familiar with and will abide by the restrictions described in 5 CFR Part 2635 and section 6401.102. I will only mention my EPA employment among with other biographical details, in a manner similar to the presentation previously approved and provided at the website I maintain with ~~EX6~~ at www.foia.ex6. To the extent that I mention my EPA employment, I will state that I am speaking only in my personal capacity as a parent and citizen and will provide a disclaimer, noting that nothing I say is intended to present the views of EPA or the federal government.

(9) **An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided:** I do not anticipate any EPA assistance agreements or contracts to be held by a person to or for whom services would be provided.

I greatly appreciate your consideration and assistance with this matter. Please feel free to contact me with any questions at FOIA EX6 or my cell FOIA EX6.

FOIA EX6

FOIA EX6

5/1/09

Date

cc: Steven L. Jawgiel (Assistant Regional Counsel/Assistant Deputy Ethics Official)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

May 13, 2009

MEMORANDUM

FROM: *Nancy J. Marvel*  
Nancy Marvel  
Regional Counsel, Deputy Ethics Official  
U.S. Environmental Protection Agency, Region IX

TO: FOIA EXC  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region IX

SUBJECT: Permission to Participate in Outside Activities

This is in response to two May 1, 2009 written requests for approval of outside writing activities. You seek approval to submit articles and/or videos for publication and/or posting in the following publications: (1) the FOIA EXC, (2) the FOIA EXC, (3) the FOIA EXC, (4) FOIA EXC i.com, (5) The EXC, (6) the FOIA EXC, (7) EXC.org, (8) EXC i.org, and (9) the FOIA EXC. You also seek approval to publish a video that will be posted by the nonprofit organization, the FOIA EXEMPTION 6, and approval to post a series of videos on your YouTube website. In all of the aforementioned projects, you will be discussing: (a) the urgency of addressing climate change effectively, (b) the use of cap-and-trade to address climate change, and (c) the use of carbon fees to address climate change, and (d) other measures to address climate change. You anticipate the projects will cumulatively require approximately 40 hours to complete. You anticipate you will not need to take any annual leave to participate in the above-referenced activities. You will not be compensated for your participation in any of these activities.

EPA's standards of conduct regulations at 5 C.F.R. § 6401.103(a)(4) require Government employees to obtain approval from their Deputy Ethics Official (DEO) before engaging in certain types of outside activities that involve subject matter that deals in significant part with the policies, programs or operations of EPA or any matter to which the employee presently is assigned or to which the employee has been assigned during the previous one-year period.

Based on the information in your memoranda, I approve your requests.

I recommend that you review the standards of conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. §2635.702(b), which references 5 C.F.R. §2635.807(b). 5 C.F.R. §2635.702(b) prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their

permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another. However, 5 C.F.R. §2635.807(b) allows Government employees to include or permit the inclusion of their titles or positions as one of several biographical details when such information is given to identify Government employees in connection with a speaking engagement so long as the Government title or position is given no more prominence than any other significant biographical detail.

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes.

You also need to be mindful of the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950. You particularly need to make sure that your activities are not being performed in association with a fundraising event.

You are also reminded that under the general standards of conduct regulations in Part 2635 you must undertake outside employment activities only on your own time (including duly approved annual leave or compensatory time), away from EPA premises, and without the use of any government personnel or government property such as telephones, office supplies, or office machines.

My approval is valid only for the above-referenced activity. It will be necessary for you to obtain your supervisors' approval if your outside activity requires any changes in your work schedules. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity.

Please call Steven L. Jawgiel, Assistant Deputy Ethics Official, at (415) 972-3876 if you have any questions.

cc: Employee's Official Ethics Files  
Steven Jawgiel (ORC-2)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION IX  
 75 Hawthorne Street  
 San Francisco, CA 94105

**MEMORANDUM**

To: Nancy Marvel  
 Regional Counsel  
 Deputy Ethics Official  
 Region IX

From: FOIA EXC  
 Senior Counsel  
 Region IX  
 Grade 15

Date: May 1, 2009

Re: Request for Approval of Outside Writing Activities related to Climate Change

The purpose of this memorandum is to request approval to publish articles related to climate change in my personal capacity. Below is the information requested in 5 CFR § 6401.103 (b):

**(1) Employees' name, title and grade:**

FOIA EXC Senior Counsel (Attorney Advisor), Grade 15

**(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:** I am requesting approval to submit articles and/or videos for publication and/or posting in the following publications: (1) the FOIA EXC, (2) FOIA EXC, (3) the FOIA EXC, (4) FOIA EXC, (5) EXC, (6) the FOIA EXC, (7) EXC and (8) EXC. I plan to submit these articles for publication in referenced media, along with my wife, FOIA EXC, who is also an EPA employee and is also seeking your approval for our jointly submission of these articles and/or videos. There is no compensation involved. The articles and/or videos would address (a) the urgency of addressing climate change effectively, (b) the use of cap-and-trade to address climate change, (c) the use of carbon fees to address climate change, and (d) other measures to address climate change.

**(3) The name and business of the person or organization for which the work will be done (in case of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):** The writing activities will be to provide public education via newspapers and websites maintained by the above-named institutions (the FOIA EXC, FOIA EXC, the FOIA EXC, FOIA EXC, EXC, the FOIA EXC, and EXC) regarding the urgency of climate change and the choices available to address climate change.

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes.

You also need to be mindful of the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950. You particularly need to make sure that your activities are not being performed in association with a fundraising event.

You are also reminded that under the general standards of conduct regulations in Part 2635 you must undertake outside employment activities only on your own time (including duly approved annual leave or compensatory time), away from EPA premises, and without the use of any government personnel or government property such as telephones, office supplies, or office machines.

My approval is valid only for the above-referenced activity. It will be necessary for you to obtain your supervisors' approval if your outside activity requires any changes in your work schedules. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity.

Please call Steven L. Jawgiel, Assistant Deputy Ethics Official, at (415) 972-3876 if you have any questions.

cc: Employee's Official Ethics Files  
Steven Jawgiel (ORC-2)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

May 13, 2009

MEMORANDUM

FROM:

*Nancy Marvel*  
Nancy Marvel  
Regional Counsel, Deputy Ethics Official  
U.S. Environmental Protection Agency, Region IX

TO:

Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region IX

SUBJECT: Permission to Participate in Outside Activities

This is in response to two May 1, 2009 written requests for approval of outside writing activities. You seek approval to submit articles and/or videos for publication and/or posting in the following publications: (1) the FOIA EX 4, (2) the FOIA EX 6, (3) the FOIA EX 6, (4) FOIA EX 6, (5) FOIA EX 11, (6) the (7) EX 4, (8) EX 6 g, and (9) the FOIA EX 6. You also seek approval to publish a video that will be posted by the nonprofit organization, the FOIA EX 6, and approval to post a series of videos on your YouTube website. In all of the aforementioned projects, you will be discussing: (a) the urgency of addressing climate change effectively, (b) the use of cap-and-trade to address climate change, and (c) the use of carbon fees to address climate change, and (d) other measures to address climate change. You anticipate the projects will cumulatively require approximately 40 hours to complete. You anticipate you will not need to take any annual leave to participate in the above-referenced activities. You will not be compensated for your participation in any of these activities.

EPA's standards of conduct regulations at 5 C.F.R. § 6401.103(a)(4) require Government employees to obtain approval from their Deputy Ethics Official (DEO) before engaging in certain types of outside activities that involve subject matter that deals in significant part with the policies, programs or operations of EPA or any matter to which the employee presently is assigned or to which the employee has been assigned during the previous one-year period.

Based on the information in your memorandum, I approve your request.

I recommend that you review the standards of conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. §2635.702(b), which references 5 C.F.R. §2635.807(b). 5 C.F.R. §2635.702(b) prohibits Government employees from using or



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105

April 10, 2009

MEMORANDUM

FROM:

*Nancy Marvel*  
Nancy Marvel

Regional Counsel, Deputy Ethics Official  
U.S. Environmental Protection Agency, Region IX

TO:

*FOIA EXG*

Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region IX

SUBJECT: Permission to Participate in Outside Activities

This is in response to an April 10, 2009 written request for approval to provide a presentation at the ~~FOIA EXG~~ Law School on Tuesday, April 14, 2009, which was submitted on your behalf by your husband ~~FOIA EXG~~. You will be discussing: (a) the urgency of addressing climate change effectively, (b) the use of cap-and-trade to address climate change, and (c) the use of carbon fees to address climate change, and (d) other measures to address climate change. You anticipate you will need to use two hours of annual leave to participate in this event. You will not be compensated for your participation in this event.

EPA's standards of conduct regulations at 5 C.F.R. § 6401.103(a)(4) require Government employees to obtain approval from their Deputy Ethics Official (DEO) before engaging in certain types of outside activities that involve subject matter that deals in significant part with the policies, programs or operations of EPA or any matter to which the employee presently is assigned or to which the employee has been assigned during the previous one-year period.

Based on the information in your memorandum, I approve your request.

I recommend that you review the standards of conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. §2635.702(b), which references 5 C.F.R. §2635.807(b). 5 C.F.R. §2635.702(b) prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another. However, 5 C.F.R. §2635.807(b) allows Government employees to include or permit the inclusion of their titles or positions as one of several biographical details when such information is given to identify Government employees in connection with a speaking engagement so long as the Government title or position is given no more prominence than any other significant biographical detail.

engagement. Laurie and I have made this presentation before, so the total time to perform this activity would be limited to the class time (one hour) and travel/set up time (one hour).

(5) **Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from the work required):** Preparation for this activity has already been performed entirely outside of my normal duty hours. Two hours of annual leave will be needed for this speaking engagement.

(6) **The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment:** No official duty time or Government property, resources or facilities not available to the general public will be used in connection with the outside activities.

(7) **The basis for compensation:** I will not be seeking or receiving compensation for any of the outside activities.

(8) **The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102:** I have read, am familiar with and will abide by the restrictions described in 5 CFR Part 2635 and section 6401.102. I will only mention my EPA employment among with other biographical details, in a manner similar to the presentation previously approved and provided at the website I maintain with ~~FOIA EXC~~ at www.foiaexc.com. I will state that I am speaking only in my personal capacity as a parent and citizen and will provide a disclaimer, noting that nothing I say is intended to present the views of EPA or the federal government.

(9) **An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided:** I do not anticipate any EPA assistance agreements or contracts to be held by a person to or for whom services would be provided.

I greatly appreciate your consideration and assistance with this matter. Please feel free to contact me with any questions at (415) 972-3902 or my cell (510) 390-6296.

FOIA EXC

FOIA EXC

4/10/09

Date

cc: Steven L. Jawgiel (Assistant Regional Counsel/Assistant Deputy Ethics Official)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

**MEMORANDUM**

To: Nancy Marvel  
Regional Counsel  
Deputy Ethics Official  
Region IX

From: FOIA EXC  
Senior Counsel  
Region IX  
Grade 15

Date: April 10, 2009

Re: Request for Approval of Outside Speaking Activities related to Climate Change

The purpose of this memorandum is to request approval to perform a speaking engagement related to climate change in my personal capacity. Below is the information requested in 5 CFR § 6401.103 (b):

**(1) *Employees' name, title and grade:***

FOIA EXC, Senior Counsel (Attorney Advisor), Grade 15

**(2) *Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:*** I am requesting approval to provide a presentation at the request of FOIA EXC at the EXC Law School on Tuesday, April 14<sup>th</sup>, 2009. I plan to make this presentation along with my wife, FOIA EXC, who is also an EPA employee and is also seeking your approval to make this presentation. There is no compensation involved. The presentations would address (a) the urgency of addressing climate change effectively, (b) the use of cap-and-trade to address climate change, (c) the use of carbon fees to address climate change, and (d) other measures to address climate change.

**(3) *The name and business of the person or organization for which the work will be done (in case of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):*** The speaking activities will be to provide education at FOIA EXC regarding the urgency of climate change and the choices available to address climate change.

**(4) *The estimated time to be devoted to the activity:*** The work would be done entirely on my own time and would probably involve taking 2 hours of annual leave to attend this speaking

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes.

You also need to be mindful of the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950. You particularly need to make sure that your activities are not being performed in association with a fundraising event.

You are also reminded that under the general standards of conduct regulations in Part 2635 you must undertake outside employment activities only on your own time (including duly approved annual leave or compensatory time), away from EPA premises, and without the use of any government personnel or government property such as telephones, office supplies, or office machines.

My approval is valid only for the above-referenced activity. It will be necessary for you to obtain your supervisors' approval if your outside activity requires any changes in your work schedules. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity.

Please call Steven L. Jawgiel, Assistant Deputy Ethics Official, at (415) 972-3876 if you have any questions.

cc: Employee's Official Ethics Files  
Steven Jawgiel (ORC-2)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

April 10, 2009

MEMORANDUM

FROM: *Nancy Marvel*  
Nancy Marvel  
Regional Counsel, Deputy Ethics Official  
U.S. Environmental Protection Agency, Region IX

TO: *FOIA EXC*  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region IX

SUBJECT: Permission to Participate in Outside Activities

This is in response to your April 10, 2009 written request for approval to provide a presentation at the ~~FOIA EXC~~ Law School on Tuesday, April 14, 2009. You will be discussing: (a) the urgency of addressing climate change effectively, (b) the use of cap-and-trade to address climate change, and (c) the use of carbon fees to address climate change, and (d) other measures to address climate change. You anticipate you will need to use two hours of annual leave to participate in this event. You will not be compensated for your participation in this event.

EPA's standards of conduct regulations at 5 C.F.R. § 6401.103(a)(4) require Government employees to obtain approval from their Deputy Ethics Official (DEO) before engaging in certain types of outside activities that involve subject matter that deals in significant part with the policies, programs or operations of EPA or any matter to which the employee presently is assigned or to which the employee has been assigned during the previous one-year period.

Based on the information in your memorandum, I approve your request.

I recommend that you review the standards of conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. §2635.702(b), which references 5 C.F.R. §2635.807(b). 5 C.F.R. §2635.702(b) prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another. However, 5 C.F.R. §2635.807(b) allows Government employees to include or permit the inclusion of their titles or positions as one of several biographical details when such information is given to identify Government employees in connection with a speaking engagement so long as the Government title or position is given no more prominence than any other significant biographical detail.

(5) **Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from the work required):** Preparation for the interview and participating in the actual interview would be performed entirely outside of my normal duty hours.

(6) **The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment:** No official duty time or Government property, resources or facilities not available to the general public will be used in connection with the outside activities.

(7) **The basis for compensation:** I will not be seeking or receiving compensation for any of the outside activities.

(8) **The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102:** I have read, am familiar with and will abide by the restrictions described in 5 CFR Part 2635 and section 6401.102. I will only mention my EPA employment among with other biographical details, in a manner similar to the presentation previously approved and provided at the website I maintain with ~~EXC~~ at www.foia EXC. To the extent that I mention my EPA employment, I will state that I am speaking only in my personal capacity as a parent and citizen and will provide a disclaimer, noting that nothing I say is intended to present the views of EPA or the federal government.

(9) **An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided:** I do not anticipate any EPA assistance agreements or contracts to be held by a person to or for whom services would be provided.

I greatly appreciate your consideration and assistance with this matter. Please feel free to contact me with any questions at FOIA EXC or my cell FOIA EXC.

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FOIA EXC

---

Date

cc: Steven L. Jawgiel (Assistant Regional Counsel/Assistant Deputy Ethics Official)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

**MEMORANDUM**

To: Nancy Marvel  
Regional Counsel  
Deputy Ethics Official  
Region IX

From: FOIA EXC 6 as FOIA  
Senior Attorney EX 6  
Region IX  
Grade 15

Date: March 11, 2009

Re: Request for Approval of Outside Activities Related to Climate Change  
Interview with FOIA EXC 6 in

The purpose of this memorandum is to request approval for a television interview related to climate change in my personal capacity. Below is the information requested in 5 CFR § 6401.103 (b):

**(1) *Employees' name, title and grade:***

FOIA EXC 6 Senior Attorney (Attorney Advisor), Grade 15

**(2) *Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:***

I am requesting approval of a television interview with FOIA EXC 6 on EX 6. I have received a request for this interview from EX 6, who is a producer for FOIA EXC 6. There is no compensation involved. The interview would primarily address the use of cap-and-trade to address climate change, but might also include the urgency of addressing climate change effectively, the use of carbon fees to address climate change, and other measures to address climate change.

**(3) *The name and business of the person or organization for which the work will be done (in case of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):***

The interview is intended to provide public education via FOIA EXC 6 regarding the urgency of climate change, the use of cap-and-trade to address climate change, and the choices available to address climate change.

**(4) *The estimated time to be devoted to the activity:*** The work would be done entirely on my own time. Total time to perform this activity would be at most 15 to 20 hours.

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes.

You also need to be mindful of the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950. You particularly need to make sure that your activities are not being performed in association with a fundraising event.

You are also reminded that under the general standards of conduct regulations in Part 2635 you must undertake outside employment activities only on your own time (including duly approved annual leave or compensatory time), away from EPA premises, and without the use of any government personnel or government property such as telephones, office supplies, or office machines.

My approval is valid only for the above-referenced activity. It will be necessary for you to obtain your supervisors' approval if your outside activity requires any changes in your work schedules. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity.

Please call Steven L. Jawgiel, Assistant Deputy Ethics Official, at (415) 972-3876 if you have any questions.

cc: Employees' Official Ethics Files  
Steven Jawgiel (ORC-2)

(5) **Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from the work required):** Preparation for the interview and participating in the actual interview would be performed entirely outside of my normal duty hours.

(6) **The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment:** No official duty time or Government property, resources or facilities not available to the general public will be used in connection with the outside activities.

(7) **The basis for compensation:** I will not be seeking or receiving compensation for any of the outside activities.

(8) **The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102:** I have read, am familiar with and will abide by the restrictions described in 5 CFR Part 2635 and section 6401.102. I will only mention my EPA employment among with other biographical details, in a manner similar to the presentation previously approved and provided at the website I maintain with ~~FOIA EX~~ at www.FOIA EXG. To the extent that I mention my EPA employment, I will state that I am speaking only in my personal capacity as a parent and citizen and will provide a disclaimer, noting that nothing I say is intended to present the views of EPA or the federal government.

(9) **An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided:** I do not anticipate any EPA assistance agreements or contracts to be held by a person to or for whom services would be provided.

I greatly appreciate your consideration and assistance with this matter. Please feel free to contact me with any questions at ~~FOIA EX G~~ or my cell: ~~FOIA EX G~~.

FOIA EX 6

FOIA EX 6

3/11/09

Date

cc: Steven L. Jawgiel (Assistant Regional Counsel/Assistant Deputy Ethics Official)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

March 19, 2009

MEMORANDUM

FROM: *Nancy Marvel*  
Nancy Marvel  
Regional Counsel, Deputy Ethics Official  
U.S. Environmental Protection Agency, Region IX

TO: *FOIA EX 6*  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region IX

SUBJECT: Permission to Participate in Outside Activities

This is in response to your March 11, 2009 written request for approval to participate in a television interview with *FOIA EX 6* on *FOIA EX 6*. The specific date of this activity has not been set. You will be discussing: (a) the urgency of addressing climate change effectively, (b) the use of cap-and-trade to address climate change, and (c) the use of carbon fees to address climate change, and (d) other measures to address climate change. You anticipate this activity will last 15- 20 hours. You currently do not know if you will need to use annual leave to participate in this event. You will not be compensated for your participation in this event.

EPA's standards of conduct regulations at 5 C.F.R. § 6401.103(a)(4) require Government employees to obtain approval from their Deputy Ethics Official (DEO) before engaging in certain types of outside activities that involve subject matter that deals in significant part with the policies, programs or operations of EPA or any matter to which the employee presently is assigned or to which the employee has been assigned during the previous one-year period.

Based on the information in your memorandum, I approve your request.

I recommend that you review the standards of conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. §2635.702(b), which references 5 C.F.R. §2635.807(b). 5 C.F.R. §2635.702(b) prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another. However, 5 C.F.R. §2635.807(b) allows Government employees to include or permit the inclusion of their titles or positions as one of several biographical details when such information is given to identify Government employees in connection with a speaking engagement so long as the Government title or position is given no more prominence than any other significant biographical detail.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

**MEMORANDUM**

To: Nancy Marvel  
Regional Counsel  
Deputy Ethics Official  
Region IX

From: FOIA EX 6  
Senior Counsel  
Region IX  
Grade 15

Date: March 11, 2009

Re: Request for Approval of Outside Activities Related to Climate Change  
Interview with FOIA EXEMPTION 6

The purpose of this memorandum is to request approval for a television interview related to climate change in my personal capacity. Below is the information requested in 5 CFR § 6401.103 (b):

**(1) Employees' name, title and grade:**

FOIA EX 6, Senior Counsel (Attorney Advisor), Grade 15

**(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:**

I am requesting approval of a television interview with FOIA EX 6 in EX 6. I have received a request for this interview from FOIA EX 6, who is a producer for FOIA EX 6. There is no compensation involved. The interview would primarily address the use of cap-and-trade to address climate change, but might also include the urgency of addressing climate change effectively, the use of carbon fees to address climate change, and other measures to address climate change.

**(3) The name and business of the person or organization for which the work will be done (in case of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):** The interview is intended to provide public education via FOIA EX 6 regarding the urgency of climate change, the use of cap-and-trade to address climate change, and the choices available to address climate change.

**(4) The estimated time to be devoted to the activity:** The work would be done entirely on my own time. Total time to perform this activity would be at most 15 to 20 hours.

Government employees in connection with a speaking engagement so long as the Government title or position is given no more prominence than any other significant biographical detail.

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes.

You also need to be mindful of the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950. You particularly need to make sure that your activities are not being performed in association with a fundraising event.

You are also reminded that under the general standards of conduct regulations in Part 2635 you must undertake outside employment activities only on your own time (including duly approved annual leave or compensatory time), away from EPA premises, and without the use of any government personnel or government property such as telephones, office supplies, or office machines.

My approval is valid only for the above-referenced activity. It will be necessary for you to obtain your supervisors' approval if your outside activity requires any changes in your work schedules. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity.

Please call Steven L. Jawgiel, Assistant Deputy Ethics Official, at (415) 972-3876 if you have any questions.

cc: Employees' Official Ethics Files  
Steven Jawgiel (ORC-2)

(5) **Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from the work required):** Preparation of these articles would be performed entirely outside of my normal duty hours.

(6) **The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment:** No official duty time or Government property, resources or facilities not available to the general public will be used in connection with the outside activities.

(7) **The basis for compensation:** I will not be seeking or receiving compensation for any of the outside activities.

(8) **The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102:** I have read, am familiar with and will abide by the restrictions described in 5 CFR Part 2635 and section 6401.102. I will only mention my EPA employment among with other biographical details, in a manner similar to the presentation previously approved and provided at the website I maintain with \_\_\_\_\_ at www.\_\_\_\_\_. To the extent that I mention my EPA employment, I will state that I am speaking only in my personal capacity as a parent and citizen and will provide a disclaimer, noting that nothing I say is intended to present the views of EPA or the federal government.

(9) **An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided:** I do not anticipate any EPA assistance agreements or contracts to be held by a person to or for whom services would be provided.

I greatly appreciate your consideration and assistance with this matter. Please feel free to contact me with any questions at \_\_\_\_\_ or my cel \_\_\_\_\_

FOIA EX6  
FOIA EX6

2/23/09  
Date

cc: Steven L. Jawgiel (Assistant Regional Counsel/Assistant Deputy Ethics Official)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

March 19, 2009

MEMORANDUM

FROM:

*Nancy Marvel*  
Nancy Marvel  
Regional Counsel, Deputy Ethics Official  
U.S. Environmental Protection Agency, Region IX

TO:

Allan Zabel  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region IX

SUBJECT: Permission to Participate in Outside Activities

This is in response to your March 11, 2009 written request for approval to participate in a television interview with Dan Rather on HDNet. The specific date of this activity has not been set. You will be discussing: (a) the urgency of addressing climate change effectively, (b) the use of cap-and-trade to address climate change, and (c) the use of carbon fees to address climate change, and (d) other measures to address climate change. You anticipate this activity will last 15- 20 hours. You currently do not know if you will need to use annual leave to participate in this event. You will not be compensated for your participation in this event.

EPA's standards of conduct regulations at 5 C.F.R. § 6401.103(a)(4) require Government employees to obtain approval from their Deputy Ethics Official (DEO) before engaging in certain types of outside activities that involve subject matter that deals in significant part with the policies, programs or operations of EPA or any matter to which the employee presently is assigned or to which the employee has been assigned during the previous one-year period.

Based on the information in your memorandum, I approve your request.

I recommend that you review the standards of conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. §2635.702(b), which references 5 C.F.R. §2635.807(b). 5 C.F.R. §2635.702(b) prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another. However, 5 C.F.R. §2635.807(b) allows Government employees to include or permit the inclusion of their titles or positions as one of several biographical details when such information is given to identify

Government employees in connection with a writing project so long as the Government title or position is given no more prominence than any other significant biographical detail.

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes.

You also need to be mindful of the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950. You particularly need to make sure that your activities are not being performed in association with a fundraising event.

You are also reminded that under the general standards of conduct regulations in Part 2635 you must undertake outside employment activities only on your own time (including duly approved annual leave or compensatory time), away from EPA premises, and without the use of any government personnel or government property such as telephones, office supplies, or office machines.

My approval is valid only for the three actives referenced above. It will be necessary for you to obtain your supervisors' approval if your outside activities require any changes in your work schedules. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activities.

Please call Steven L. Jawgiel, Assistant Deputy Ethics Official, at (415) 972-3876 if you have any questions.

cc: Employees' Official Ethics Files  
Steven Jawgiel (ORC-2)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

**MEMORANDUM**

To: Nancy Marvel  
Regional Counsel  
Deputy Ethics Official  
Region IX

From: FOIA EXC  
Senior Attorney  
Region IX  
Grade 15

Date: February 23, 2009

Re: Request for Approval of Outside Writing Activities Related to Climate Change  
FOIA EXC Article and/or Letter

The purpose of this memorandum is to request approval to submit for publication an article and/or letter to the editor related to climate change in my personal capacity. Below is the information requested in 5 CFR § 6401.103 (b):

**(1) Employees' name, title and grade:**

FOIA EXC Senior Attorney (Attorney Advisor), Grade 15

**(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:** I am requesting approval to submit for publication an article and/or letter to the editor to the FOIA EXC. I plan to submit this article and/or letter in referenced journal, along with my husband, FOIA EXC 1, who is also an EPA employee and is also seeking your approval for our jointly submission of this letter. There is no compensation involved. The presentations would address (a) the urgency of addressing climate change effectively, (b) the use of cap-and-trade to address climate change, (c) the use of carbon fees to address climate change, and (d) other measures to address climate change.

**(3) The name and business of the person or organization for which the work will be done (in case of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):** The article/letter is intended to provide public education via the FOIA EXC post regarding the urgency of climate change and the choices available to address climate change.

**(4) The estimated time to be devoted to the activity:** The work would be done entirely on my own time. Total time to perform this activity would be at most 4 to 6 hours.

(5) **Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from the work required):** Preparation of these articles would be performed entirely outside of my normal duty hours.

(6) **The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment:** No official duty time or Government property, resources or facilities not available to the general public will be used in connection with the outside activities.

(7) **The basis for compensation:** I will not be seeking or receiving compensation for any of the outside activities.

(8) **The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102:** I have read, am familiar with and will abide by the restrictions described in 5 CFR Part 2635 and section 6401.102. I will only mention my EPA employment among with other biographical details, in a manner similar to the presentation previously approved and provided at the website I maintain with EXC at www.FOIA EX 6. To the extent that I mention my EPA employment, I will state that I am speaking only in my personal capacity as a parent and citizen and will provide a disclaimer, noting that nothing I say is intended to present the views of EPA or the federal government.

(9) **An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided:** I do not anticipate any EPA assistance agreements or contracts to be held by a person to or for whom services would be provided.

I greatly appreciate your consideration and assistance with this matter. Please feel free to contact me with any questions at FOIA EX 6 2 or my cell FOIA EX 6.

FOIA EX 6  
FOIA EX 6

2/23/09  
Date

cc: Steven L. Jawgiel (Assistant Regional Counsel/Assistant Deputy Ethics Official)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

February 24, 2009

**MEMORANDUM**

SUBJECT: Permission to Participate in Outside Activities

FROM: *Nancy Marvel*  
Nancy Marvel  
Regional Counsel, Deputy Ethics Official  
U.S. Environmental Protection Agency, Region IX

TO: Laurie Williams  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region IX

This is in response to your February 23, 2009 written request for approval to participate in a writing activity, which involves submitting an article to the following publication: (1) the Washington Post. You will be discussing the following issues in the articles: (a) the urgency of addressing climate change effectively, (b) the use of cap-and-trade to address climate change, and (c) the use of carbon fees to address climate change, and (d) other measures to address climate change. Preparation of these articles will be done entirely on your own time and you anticipate that you will not need to use any annual leave to participate in these three activities. You will not be compensated for any of the activities described above.

EPA's standards of conduct regulations at 5 C.F.R. § 6401.103(a)(4) require Government employees to obtain approval from their Deputy Ethics Official (DEO) before engaging in certain types of outside activities that involve subject matter that deals in significant part with the policies, programs or operations of EPA or any matter to which the employee presently is assigned or to which the employee has been assigned during the previous one-year period.

Based on the information in your memorandum, I approve your request.

I recommend that you review the standards of conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. §2635.702(b), which references 5 C.F.R. §2635.807(b). 5 C.F.R. §2635.702(b) prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another. However, 5 C.F.R. §2635.807(b) allows Government employees to include or permit the inclusion of their titles or positions as one of several biographical details when such information is given to identify



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

**MEMORANDUM**

To: Nancy Marvel  
Regional Counsel  
Deputy Ethics Official  
Region IX

From: ~~FOIA Ex 6~~  
Senior Counsel  
Region IX  
Grade 15

Date: February 23, 2009

Re: Request for Approval of Outside Writing Activities Related to Climate Change  
~~FOIA Ex 6~~ Article and/or Letter

The purpose of this memorandum is to request approval to submit for publication an article and/or letter related to climate change in my personal capacity. Below is the information requested in 5 CFR § 6401.103 (b):

**(1) *Employees' name, title and grade:***

~~FOIA Ex 6~~, Senior Counsel (Attorney Advisor), Grade 15

**(2) *Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:*** I am requesting approval to submit for publication an article and/or letter to the editor to the ~~FOIA Ex 6~~ Post. I plan to submit this article and/or letter for publication in referenced journal, along with my wife, ~~FOIA Ex 6~~, who is also an EPA employee and is also seeking your approval for our jointly submission of this letter. There is no compensation involved. The presentations would address (a) the urgency of addressing climate change effectively, (b) the use of cap-and-trade to address climate change, (c) the use of carbon fees to address climate change, and (d) other measures to address climate change.

**(3) *The name and business of the person or organization for which the work will be done (in case of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):*** The article and/or letter is intended to provide public education via the ~~FOIA Ex 6~~ regarding the urgency of climate change and the choices available to address climate change.

**(4) *The estimated time to be devoted to the activity:*** The work would be done entirely on my own time. Total time to perform this activity would be at most 4 to 6 hours.

Government employees in connection with a writing project so long as the Government title or position is given no more prominence than any other significant biographical detail.

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes.

You also need to be mindful of the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950. You particularly need to make sure that your activities are not being performed in association with a fundraising event.

You are also reminded that under the general standards of conduct regulations in Part 2635 you must undertake outside employment activities only on your own time (including duly approved annual leave or compensatory time), away from EPA premises, and without the use of any government personnel or government property such as telephones, office supplies, or office machines.

My approval is valid only for the three actives referenced above. It will be necessary for you to obtain your supervisors' approval if your outside activities require any changes in your work schedules. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activities.

Please call Steven L. Jawgiel, Assistant Deputy Ethics Official, at (415) 972-3876 if you have any questions.

cc: Employees' Official Ethics Files  
Steven Jawgiel (ORC-2)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

February 24, 2009

**MEMORANDUM**

SUBJECT: Permission to Participate in Outside Activities

FROM: *Nancy J. Marvel*  
Nancy Marvel  
Regional Counsel, Deputy Ethics Official  
U.S. Environmental Protection Agency, Region IX

TO: *FOIA EXC*  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region IX

This is in response to your February 23, 2009 written request for approval to participate in a writing activity, which involves submitting an article to the following publication: (1) the *FOIA EXC*. You will be discussing the following issues in the articles: (a) the urgency of addressing climate change effectively, (b) the use of cap-and-trade to address climate change, and (c) the use of carbon fees to address climate change, and (d) other measures to address climate change. Preparation of these articles will be done entirely on your own time and you anticipate that you will not need to use any annual leave to participate in these three activities. You will not be compensated for any of the activities described above.

EPA's standards of conduct regulations at 5 C.F.R. § 6401.103(a)(4) require Government employees to obtain approval from their Deputy Ethics Official (DEO) before engaging in certain types of outside activities that involve subject matter that deals in significant part with the policies, programs or operations of EPA or any matter to which the employee presently is assigned or to which the employee has been assigned during the previous one-year period.

Based on the information in your memorandum, I approve your request.

I recommend that you review the standards of conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. §2635.702(b), which references 5 C.F.R. §2635.807(b). 5 C.F.R. §2635.702(b) prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another. However, 5 C.F.R. §2635.807(b) allows Government employees to include or permit the inclusion of their titles or positions as one of several biographical details when such information is given to identify

would be approximately 4 - 5 hours. Two to three hours for travel and making the presentation, plus 2 hours of preparation.

**(5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from the work required):** All of the activities associated with this activity will be performed entirely outside of my normal duty hours.

**(6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment:** No official duty time or Government property, resources or facilities not available to the general public will be used in connection with the outside activities.

**(7) The basis for compensation:** I will not be seeking or receiving compensation for any of the outside activities.

**(8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102:** I have read, am familiar with and will abide by the restrictions described in 5 CFR Part 2635 and section 6401.102. I will only mention my EPA employment among with other biographical details, in a manner similar to the presentation previously approved and provided at the website I maintain with \_\_\_\_\_ at www \_\_\_\_\_ g. I will state that I am speaking only in my personal capacity as a parent and citizen and will provide a disclaimer, noting that nothing I say is intended to present the views of EPA or the federal government.

**(9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided:** I do not anticipate any EPA assistance agreements or contracts to be held by a person to or for whom services would be provided.

I greatly appreciate your consideration and assistance with this matter. Please feel free to contact me with any questions at (415) 972-3867 or my cell (510) 390-4224.

FOIA EXEMPTION 6

FOIA EX. 6

2/11/09

Date

cc: Steven L. Jawgiel (Assistant Regional Counsel/Assistant Deputy Ethics Official)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

**MEMORANDUM**

To: Nancy Marvel  
Regional Counsel  
Deputy Ethics Official  
Region IX

From: FOIA EXC  
Assistant Regional Counsel  
Region IX  
Grade 15

Date: February 11, 2009

Re: Request for Approval of Outside Speaking Activity related to Climate Change

The purpose of this memorandum is to request approval to perform a speaking engagement related to climate change in my personal capacity. Below is the information requested in 5 CFR § 6401.103 (b):

**(1) *Employees' name, title and grade:***

FOIA EXC Assistant Regional Counsel (Attorney Advisor), Grade 15

**(2) *Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:*** I am requesting approval to provide a presentation at the request of The FOIA EXC Environmental Law Society, an approved student group of FOIA EXC Law School. I plan to make the presentation along with my husband, FOIA EXC who is also an EPA employee and is also seeking your approval to make this presentation. There is no compensation involved. The presentations would address (a) the urgency of addressing climate change effectively, (b) the use of cap-and-trade to address climate change, (c) the use of carbon fees to address climate change, and (d) other measures to address climate change.

**(3) *The name and business of the person or organization for which the work will be done (in case of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):*** The speaking activity will be to provide education at for the FOIA EXC Environmental Law Society regarding the urgency of climate change and the choices available to address climate change.

**(4) *The estimated time to be devoted to the activity:*** The work would be done entirely on my own time and is not anticipated to require any annual leave. Total time to perform the activity

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes.

You also need to be mindful of the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950. You particularly need to make sure that your activities are not being performed in association with a fundraising event.

You are also reminded that under the general standards of conduct regulations in Part 2635 you must undertake outside employment activities only on your own time (including duly approved annual leave or compensatory time), away from EPA premises, and without the use of any government personnel or government property such as telephones, office supplies, or office machines.

My approval is valid only for the above-referenced activity. It will be necessary for you to obtain your supervisors' approval if your outside activity requires any changes in your work schedules. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity.

Please call Steven L. Jawgiel, Assistant Deputy Ethics Official, at (415) 972-3876 if you have any questions.

cc: Employees' Official Ethics Files  
Steven Jawgiel (ORC-2)

would be approximately 4 - 5 hours. Two to three hours for travel and making the presentation, plus 2 hours of preparation.

(5) **Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from the work required):** All of the activities associated with this activity will be performed entirely outside of my normal duty hours.

(6) **The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment:** No official duty time or Government property, resources or facilities not available to the general public will be used in connection with the outside activities.

(7) **The basis for compensation:** I will not be seeking or receiving compensation for any of the outside activities.

(8) **The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102:** I have read, am familiar with and will abide by the restrictions described in 5 CFR Part 2635 and section 6401.102. I will only mention my EPA employment among with other biographical details, in a manner similar to the presentation previously approved and provided at the website I maintain with ~~FAA~~ at www.foiaex6. I will state that I am speaking only in my personal capacity as a parent and citizen and will provide a disclaimer, noting that nothing I say is intended to present the views of EPA or the federal government.

(9) **An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided:** I do not anticipate any EPA assistance agreements or contracts to be held by a person to or for whom services would be provided.

I greatly appreciate your consideration and assistance with this matter. Please feel free to contact me with any questions at FOIA EX 6 2 or my cell FOIA EX 6

FOIA EX 6  
FOIA EX 6

2/11/09

Date

cc: Steven L. Jawgiel (Assistant Regional Counsel/Assistant Deputy Ethics Official)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

February 18, 2009

MEMORANDUM

SUBJECT: Permission to Participate in Outside Activities

FROM: *Nancy Marvel*  
Nancy Marvel  
Regional Counsel, Deputy Ethics Official  
U.S. Environmental Protection Agency, Region IX

TO: FOIA Ex 6  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region IX

This is in response to your February 11, 2009 written request for approval to participate in a speaking engagement at the FOIA Ex 6 Environmental Law Society in February 2009. You will be discussing: (a) the urgency of addressing climate change effectively, (b) the use of cap-and-trade to address climate change, and (c) the use of carbon fees to address climate change, and (d) other measures to address climate change. You will not need to use annual leave to participate in this event. You will not be compensated for your participation in this event.

EPA's standards of conduct regulations at 5 C.F.R. § 6401.103(a)(4) require Government employees to obtain approval from their Deputy Ethics Official (DEO) before engaging in certain types of outside activities that involve subject matter that deals in significant part with the policies, programs or operations of EPA or any matter to which the employee presently is assigned or to which the employee has been assigned during the previous one-year period.

Based on the information in your memorandum, I approve your request.

I recommend that you review the standards of conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. §2635.702(b), which references 5 C.F.R. §2635.807(b). 5 C.F.R. §2635.702(b) prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another. However, 5 C.F.R. §2635.807(b) allows Government employees to include or permit the inclusion of their titles or positions as one of several biographical details when such information is given to identify Government employees in connection with a speaking engagement so long as the Government title or position is given no more prominence than any other significant biographical detail.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

**MEMORANDUM**

To: Nancy Marvel  
Regional Counsel  
Deputy Ethics Official  
Region IX

From: FOIA Ex6  
Senior Counsel  
Region IX  
Grade 15

Date: February 11, 2009

Re: Request for Approval of Outside Speaking Activity related to Climate Change

The purpose of this memorandum is to request approval to perform a speaking engagement related to climate change in my personal capacity. Below is the information requested in 5 CFR, § 6401.103 (b):

(1) *Employees' name, title and grade:*

FOIA Ex6, Senior Counsel (Attorney Advisor), Grade 15

(2) *Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:* I am requesting approval to provide a presentation at the request of The FOIA Ex6 Environmental Law Society, an approved student group of FOIA Ex6 law School. I plan to make the presentation along with my wife FOIA Ex6 who is also an EPA employee and is also seeking your approval to make this presentation. There is no compensation involved. The presentations would address (a) the urgency of addressing climate change effectively, (b) the use of cap-and-trade to address climate change, (c) the use of carbon fees to address climate change, and (d) other measures to address climate change.

(3) *The name and business of the person or organization for which the work will be done (in case of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):* The speaking activity will be to provide education at for the FOIA Ex6 Environmental Law Society regarding the urgency of climate change and the choices available to address climate change.

(4) *The estimated time to be devoted to the activity:* The work would be done entirely on my own time and is not anticipated to require any annual leave. Total time to perform the activity

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes.

You also need to be mindful of the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950. You particularly need to make sure that your activities are not being performed in association with a fundraising event.

You are also reminded that under the general standards of conduct regulations in Part 2635 you must undertake outside employment activities only on your own time (including duly approved annual leave or compensatory time), away from EPA premises, and without the use of any government personnel or government property such as telephones, office supplies, or office machines.

My approval is valid only for the above-referenced activity. It will be necessary for you to obtain your supervisors' approval if your outside activity requires any changes in your work schedules. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity.

Please call Steven L. Jawgiel, Assistant Deputy Ethics Official, at (415) 972-3876 if you have any questions.

cc: Employees' Official Ethics Files  
Steven Jawgiel (ORC-2)

(4) **The estimated time to be devoted to the activity:** The work would be done entirely on my own time. Total time to perform these activities would be approximately 12 - 16 hours.

(5) **Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from the work required):** Preparation of these articles would be performed entirely outside of my normal duty hours.

(6) **The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment:** No official duty time or Government property, resources or facilities not available to the general public will be used in connection with the outside activities.

(7) **The basis for compensation:** I will not be seeking or receiving compensation for any of the outside activities.

(8) **The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102:** I have read, am familiar with and will abide by the restrictions described in 5 CFR Part 2635 and section 6401.102. I will only mention my EPA employment among with other biographical details, in a manner similar to the presentation previously approved and provided at the website I maintain with \_\_\_\_\_ at www.\_\_\_\_\_. To the extent that I mention my EPA employment, I will state that I am speaking only in my personal capacity as a parent and citizen and will provide a disclaimer, noting that nothing I say is intended to present the views of EPA or the federal government.

(9) **An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided:** I do not anticipate any EPA assistance agreements or contracts to be held by a person to or for whom services would be provided.

I appreciate your consideration and assistance with this matter. Please feel free to contact me at \_\_\_\_\_ 57 or my cell \_\_\_\_\_.

FOIA EXEMPTION 6  
FOIA EX 6

2/9/09  
Date

cc: Steven L. Jawgiel (Assistant Regional Counsel/Assistant Deputy Ethics Official)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

February 18, 2009

**MEMORANDUM**

SUBJECT: Permission to Participate in Outside Activities

FROM: *Nancy Marvel*  
Nancy Marvel  
Regional Counsel, Deputy Ethics Official  
U.S. Environmental Protection Agency, Region IX

TO: Allan Zabel  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region IX

This is in response to your February 11, 2009 written request for approval to participate in a speaking engagement at the Hastings Environmental Law Society in February 2009. You will be discussing: (a) the urgency of addressing climate change effectively, (b) the use of cap-and-trade to address climate change, and (c) the use of carbon fees to address climate change, and (d) other measures to address climate change. You will not need to use annual leave to participate in this event. You will not be compensated for your participation in this event.

EPA's standards of conduct regulations at 5 C.F.R. § 6401.103(a)(4) require Government employees to obtain approval from their Deputy Ethics Official (DEO) before engaging in certain types of outside activities that involve subject matter that deals in significant part with the policies, programs or operations of EPA or any matter to which the employee presently is assigned or to which the employee has been assigned during the previous one-year period.

Based on the information in your memorandum, I approve your request.

I recommend that you review the standards of conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. §2635.702(b), which references 5 C.F.R. §2635.807(b). 5 C.F.R. §2635.702(b) prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another. However, 5 C.F.R. §2635.807(b) allows Government employees to include or permit the inclusion of their titles or positions as one of several biographical details when such information is given to identify Government employees in connection with a speaking engagement so long as the Government title or position is given no more prominence than any other significant biographical detail

Government employees in connection with a writing project so long as the Government title or position is given no more prominence than any other significant biographical detail.

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes.

You also need to be mindful of the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950. You particularly need to make sure that your activities are not being performed in association with a fundraising event

You are also reminded that under the general standards of conduct regulations in Part 2635 you must undertake outside employment activities only on your own time (including duly approved annual leave or compensatory time), away from EPA premises, and without the use of any government personnel or government property such as telephones, office supplies, or office machines.

My approval is valid only for the three actives referenced above. It will be necessary for you to obtain your supervisors' approval if your outside activities require any changes in your work schedules. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activities.

Please call Steven L. Jawgiel, Assistant Deputy Ethics Official, at (415) 972-3876 if you have any questions.

cc: Employees' Official Ethics Files  
Steven Jawgiel (ORC-2)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

**MEMORANDUM**

To: Nancy Marvel  
Regional Counsel  
Deputy Ethics Official  
Region IX

From: Assistant Regional Counsel  
Region IX  
Grade 15

Date: February 9, 2009

Re: Request for Approval of Outside Writing Activities related to Climate Change

The purpose of this memorandum is to request approval to publish articles related to climate change in my personal capacity. Below is the information requested in 5 CFR § 6401.103 (b):

**(1) Employees' name, title and grade:**

FOIA EXC, Assistant Regional Counsel (Attorney Advisor), Grade 15

**(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:** I am requesting approval to submit three articles for publication in the following publications: (1) the FOIA EXC website, (2) FOIA EXCial EXC online journal; and (3) EXC Magazine online blog. I plan to submit these articles for publication in referenced journals, along with my husband FOIA EXC, who is also an EPA employee and is also seeking your approval for our jointly submission of these articles. There is no compensation involved. The presentations would address (a) the urgency of addressing climate change effectively, (b) the use of cap-and-trade to address climate change, (c) the use of carbon fees to address climate change, and (d) other measures to address climate change.

**(3) The name and business of the person or organization for which the work will be done (in case of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):** The writing activities will be to provide public education via websites maintained by the above-named institutions FOIA EXC Center (based in FOIA EXC), EXC (based in EXC m) and EXC Magazine (based in FOIA EXC) regarding the urgency of climate change and the choices available to address climate change.

(4) **The estimated time to be devoted to the activity:** The work would be done entirely on my own time. Total time to perform these activities would be approximately 12 - 16 hours.

(5) **Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from the work required):** Preparation of these articles would be performed entirely outside of my normal duty hours.

(6) **The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment:** No official duty time or Government property, resources or facilities not available to the general public will be used in connection with the outside activities.

(7) **The basis for compensation:** I will not be seeking or receiving compensation for any of the outside activities.

(8) **The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102:** I have read, am familiar with and will abide by the restrictions described in 5 CFR Part 2635 and section 6401.102. I will only mention my EPA employment among with other biographical details, in a manner similar to the presentation previously approved and provided at the website I maintain with \_\_\_\_\_ at \_\_\_\_\_ To the extent that I mention my EPA employment, I will state that I am speaking only in my personal capacity as a parent and citizen and will provide a disclaimer, noting that nothing I say is intended to present the views of EPA or the federal government.

(9) **An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided:** I do not anticipate any EPA assistance agreements or contracts to be held by a person to or for whom services would be provided.

I greatly appreciate your consideration and assistance with this matter. Please feel free to contact me with any questions at FOIA EXL or my cell: FOIA EXL

FOIA EXEMPTION 6

FOIA EX. 6

02/09/09  
Date

cc: Steven L. Jawgiel (Assistant Regional Counsel/Assistant Deputy Ethics Official)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

February 11, 2009

MEMORANDUM

SUBJECT: Permission to Participate in Outside Activities  
FROM: *Nancy J. Marvel*  
Nancy Marvel  
Regional Counsel, Deputy Ethics Official  
U.S. Environmental Protection Agency, Region IX  
TO: FOIA Ex 6  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region IX

This is in response to your February 9, 2009 written request for approval to participate in three writing activities, which involve submitting articles to the following publications: (1) the FOIA Ex 6 website; (2) the FOIA Ex 6 online journal; and (3) the Magazine online blog. You will be discussing the following issues in the articles: (a) the urgency of addressing climate change effectively, (b) the use of cap-and-trade to address climate change, and (c) the use of carbon fees to address climate change, and (d) other measures to address climate change. Preparation of these articles will be done entirely on your own time and you anticipate that you will not need to use any annual leave to participate in these three activities. You will not be compensated for any of the activities described above.

EPA's standards of conduct regulations at 5 C.F.R. § 6401.103(a)(4) require Government employees to obtain approval from their Deputy Ethics Official (DEO) before engaging in certain types of outside activities that involve subject matter that deals in significant part with the policies, programs or operations of EPA or any matter to which the employee presently is assigned or to which the employee has been assigned during the previous one-year period.

Based on the information in your memorandum, I approve your request.

I recommend that you review the standards of conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. §2635.702(b), which references 5 C.F.R. §2635.807(b). 5 C.F.R. §2635.702(b) prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another. However, 5 C.F.R. §2635.807(b) allows Government employees to include or permit the inclusion of their titles or positions as one of several biographical details when such information is given to identify

Re: Fw: Out of Office 6/20 through 6/30

Adam Kushner

06/30/2011 09:30 AM

Cc: Jeanne Duross, "Gregory Fried"

Ex 6

By this e-mail I am approving your request for outside employment.

I would note that the amount of potential time for the proposed request is considerable.

As a consequence, I need to remind you that your agency work must remain of paramount importance and that the outside employment can not interfere with your performance of your work related duties.

Please be sure to follow all agency rules on time and attendance and outside employment in pursuing this outside work.

Adam

-----  
Adam Kushner  
Director  
Office of Civil Enforcement USEPA  
202-564-7979

Sent by EPA Wireless E-Mail Services

-----  
**From:**  
**Sent:** 06/29/2011 07:23 PM EDT  
**To:** Justina Fugh  
**Cc:** Adam Kushner; Jeanne Duross  
**Subject:** Re: Fw: Out of Office 6/20 through 6/30

Justina,

Do you think I'll hear back by the end of the week or do you anticipate it will take longer?

FOIA Ex 6

-----Justina Fugh/DC/USEPA/US wrote: -----  
**To:** FOIA Ex 6 DC/USEPA/US@EPA  
**From:** Justina Fugh/DC/USEPA/US  
**Date:** 06/29/2011 10:37AM  
**Cc:** Adam Kushner/DC/USEPA/US@EPA, Jeanne Duross/DC/USEPA/US@EPA  
**Subject:** Re: Fw: Out of Office 6/20 through 6/30

Any approval must come from Adam, not me, but he and I have conversed by voice mail about how to proceed.

FOIA Ex 6 --06/28/2011 11:09:15 AM---Justina,

From: FOIA Ex 6 DC/USEPA/US  
To: Justina Fugh/DC/USEPA/US@EPA, Adam Kushner/DC/USEPA/US@EPA  
Cc: Jeanne Duross/DC/USEPA/US@EPA  
Date: 06/28/2011 11:09 AM  
Subject: Re: Fw: Out of Office 6/20 through 6/30

Justina,

I was hoping to get an answer early this week so that I can accept the pending offer. Please let me know if you have any questions by email. I am traveling on the west coast returning tomorrow.

FOIA Ex 6

FOIA Ex 6 DC/USEPA/US wrote: -----

To: Justina Fugh/DC/USEPA/US@EPA, Jeanne Duross/DC/USEPA/US@EPA  
From: FOIA Ex 6 DC/USEPA/US  
Date: 06/22/2011 04:22PM  
Cc: Adam Kushner/DC/USEPA/US@EPA  
Subject: Fw: Out of Office 6/20 through 6/30

Justina/Jeanne,

I received general approval to do self-employment outside consulting from Walker Smith on February 16, 2007 with the understanding I would resubmit for approval of each project. I have a specific offer for consulting services for which I am seeking approval. Included in this email is the information required to be submitted for approval:

(1) Employee's name, title and grade

FOIA Ex 6 Environmental Engineer, GS-15

(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;

Environmental consulting involving:

i) an evaluation of a range of emission reduction technologies and strategies to reduce air pollutant emissions from petroleum refineries in Ontario, Canada; and

*evaluate abatement technology*

ii) and estimating the costs of each emission reduction technology.

*costing of each*

The amount of compensation expected may be from \$25,000-\$50,000 over the *year* course of a year.

(3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during

STEVEN JAWGIEL

FAX 415 947.3570



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

**MEMORANDUM**

To: Nancy Marvel  
Regional Counsel  
Deputy Ethics Official  
Region IX

From: FOIA EX6  
RCEC  
Region IX  
14

Date: September 10, 2007

Rc: Request for Approval of an Outside Activity

The purpose of this memorandum is to request approval for an outside activity with the State Bar of California. Below is the information requested in 5 CFR § 6401.103 (b):

(1) FOIA EX6 RCEC, 14:

*(2) Moderating a panel at the upcoming Environmental Law Conference at Yosemite on Friday, October 19, 2007, as well as attending the Environmental Law Executive Committee Meeting.*

*(3) The State Bar of California, Environmental Law Section.*

*(4) The conference is three days -- Friday through Sunday.*

*(5) Although most of the service would be outside normal work hours (as Friday is my normal day off), I would need to travel on Thursday.*

*(6) The State Bar of California will pay my travel expenses (mileage or airfare) plus one night of hotel fare for participating in the Executive Committee meeting. In addition, for moderating the panel, they will pay an additional night of hotel fare, at the standard State Bar rate.*

*(7) Other than the occasional use of e-mail, no EPA resources have been utilized to prepare for this meeting or panel.*

**(8) I have read, and am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and § 6401.102:**

**(9) As far as I am aware, there are no EPA assistance agreements or contracts held the State Bar of California, or by the Environmental Law Executive Committee.**

I greatly appreciate your consideration and assistance with this matter. Please feel free to contact me at (213) 244-1903 with any questions.

  
FOIA EXEMPTION 6

9/13/07  
Date

cc: Steven L. Jawgiel (Assistant Regional Counsel/Assistant Deputy Ethics Official)

ATTN: STEVEN JAWGIEL

FAX: 415-217-7570

FROM: FOIA ~~EXEMPTION~~ 6

PHONE: Ex 6-4 Ex 6

FOIA EX 6

/R9/USEPA/US

To Steven Jawgiel/R9/USEPA/US@EPA



09/10/2007 04:40 PM

cc

bcc

Subject Fw: Regarding 2007 Yosemite Conference

History: This message has been forwarded.

Hi there -

In addition to mileage and hotel fare, they are also waiving my registration fee. I forgot to add that on my form.

I just wanted to point out that I am listed for registration as an "ExComm Advisor". It is on that basis that the State Bar is giving me complimentary registration. There are separate forms for speakers (see the note below). I believe, and will confirm with the Bar staff if you'd like, that I am being reimbursed based upon being an alumni (or Advisor) to the Executive Committee. They encourage people who have been on the Committee in the past to bring their historical knowledge of the Committee workings to the conference calls and meetings. So that, even if I were to leave EPA, go in to private practice, or something of that nature, I would still be reimbursed.

FOIA EX 6

Regional Criminal Enforcement Counsel  
United States Environmental Protection Agency, Region 9  
Southern California Field Office  
600 Wilshire Blvd., Suite 900  
Los Angeles CA 90017  
Phone: (213) 244-1903  
Fax: (213) 244-1933  
r.foia.era@epa.gov

----- Forwarded by Erica Martin/R9/USEPA/US on 09/10/2007 04:34 PM -----



"Zlongst, Carol"  
<Carol.Zlongst@calbar.ca.gov>  
>

08/10/2007 09:18 AM

Please respond to  
"Zlongst, Carol"  
<Carol.Zlongst@calbar.ca.gov>  
>

To "sec-enviro Sections: Environmental Law Section Executive Cmte" <sec-enviro@calbar.org>  
cc "Martinez, Julie" <Julie.Martinez@calbar.ca.gov>, "Tiscareno, Catrin" <Catrin.Tiscareno@calbar.ca.gov>  
Subject Please make your Conference and Hotel reservations for 2007 Yosemite Conference

Good morning,

Registration for this year's 2007 Yosemite Conference is now underway and we anticipate another "sold out" event. The complete registration form is on our website at [www.calbar.ca.gov/enviro](http://www.calbar.ca.gov/enviro).

Executive Committee Members and Advisors receive complimentary registration (though you'll need to purchase your ticketed events.) To obtain the comp registration please use the specially coded form provided with this email, and fax to our office. (Unfortunately, complimentary registrations can't yet be processed online, but we're working it.)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

SEP 20 2007

**MEMORANDUM**

SUBJECT: Permission to Participate in Outside Employment

FROM: *Nancy J. Marvel*  
Nancy J. Marvel  
Regional Counsel and Deputy Ethics Official

TO: Erica Martin  
Assistant Regional Counsel

DATE:

This is in response to your September 10, 2007 request for approval to engage in outside employment with the State Bar of California. Specifically, your outside employment request seeks approval to participate as a moderator for a global warming panel on October 18, 2007 at the Yosemite Environmental Law Conference. You similarly seek approval to attend an Environmental Law Executive Committee meeting at the Yosemite Conference. You will perform these activities completely outside of your normal EPA duty hours. The State Bar of California offered to compensate you for these activities by providing you free attendance, travel expenses, and two nights of lodging, based upon your former status as an Executive Committee member and current status as an Executive Committee advisor and moderator of a panel. Based upon the information available to me, the State Bar of California is not gifting you these items because of your status as an EPA employee.

EPA's standards of conduct regulations at 5 C.F.R. §6401.103 require employees to obtain administrative approval before engaging in certain types of outside employment, including activities that deal in significant part with the policies, programs, or operations of the EPA. You are required to obtain prior approval for your proposed Yosemite Conference activities because the above-referenced activities deal in significant part with EPA's policies, programs, and operations. This point is evidenced by the fact that EPA will staff the global warming panel with qualified personnel participating in their official EPA capacity.

Based on the information in your memoranda, in conjunction with previous correspondence and discussions on this matter, I approve your request. I recommend that you review the standards of conduct regulations at 5 C.F.R. Part 2635, to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside employment. Please note in particular 5 C.F.R. §2635.702, which prohibits the use of your public office for private gain, and 5 C.F.R. §2635.807(b), which prohibits

(with certain exceptions) an employee from using or permitting the use of his or her official title or position in connection with the employee's outside teaching, speaking, or writing activities. It is important to note that under 5 C.F.R. §2635.807(b)(1), you may identify yourself as an EPA Region 9 employee only if you include your title or position as one of several biographical details. For example, you may not introduce yourself at the ~~FOIA~~ Conference solely as an EPA Region 9 attorney. However, you may mention that you are an EPA Region 9 attorney only if you include several other biographical details such as your educational background, work history, a publication list, etc. In addition, your official title may not be used in connection with any activities you perform as an advisor to the State Bar.

Note also that under the general standards of conduct regulations in Part 2635 you must undertake outside employment activities only on your own time (including duly approved annual leave or compensatory time), away from EPA premises, and without the use of any government personnel or government property such as telephones, office supplies, or office machines. Therefore, you must request annual leave for Thursday, October 18, 2007, the day you will travel to ~~Fort~~ ~~Ex~~:

This approval is valid for this request only. In the event that you decide to continue these outside activities beyond this date, you must submit another request for administrative approval prior to engaging in any activities as an advisor to the State Bar. Please keep in mind that 5 C.F.R. §6401.103(d) requires you to submit a revised request to me for administrative approval if there is a change in the nature or scope of the duties or services performed in your outside employment.

Please call me if you have any questions.

cc: Employee Confidential Ethics File

Please let me know if you have questions or require any additional information.

FOIA EXEMPTION 6  
FOIA EXEMPTION 6

8/27/09  
Date

Approved:

\_\_\_\_\_  
Nancy J. Marvel

\_\_\_\_\_  
Date

Disapproved:

\_\_\_\_\_  
Nancy J. Marvel

\_\_\_\_\_  
Date

Attachment



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

September 10, 2009

MEMORANDUM

From:

*Nancy Marvel*  
Nancy Marvel  
Regional Counsel, Deputy Ethics Official  
U.S. Environmental Protection Agency, Region IX

To:

FOIA EX 6  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region IX

Subject:

Permission to Participate in Outside Activities

This is in response to your September 8, 2009 memorandum requesting permission to provide a presentation to a FOIA EX 6 undergraduate political science class. Your presentation will address (a) the urgency of addressing climate change effectively, (b) the use of cap-and-trade to address climate change, (c) the use of carbon fees to address climate change, and (d) other measures to address climate change. You anticipate that the total time needed to perform this outside activity will be approximately 4-6 hours. This time estimate includes approximately 2 hours of annual leave to perform this activity. Please note you must obtain approved annual leave from your supervisor before participating in the above-referenced activity. FOIA EX 6 will not compensate you for this activity.

EPA's standards of conduct regulations at 5 C.F.R. § 6401.103(a) require Government employees to obtain approval from their Deputy Ethics Official (DEO) before engaging in certain outside activities. Based on the information in your memorandum, I approve your request to deliver the above-referenced presentation a FOIA EX 6.

Generally, 5 C.F.R. §2635.807(a) prohibits federal employees from receiving compensation from any source other than the Government for teaching that relates to the employees' official duties. However, 5 C.F.R. §2635.807(a)(3) makes an exception to the general rule by allowing federal employees to accept compensation for teaching courses that relate to their official Government duties so long as the course is taught as part of a regularly established curriculum of an institution of higher education. Your proposed activity meets the criteria set forth in 5 C.F.R. §2635.807(a)(3).

I recommend that you review the standards of conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. §2635.702(b), which references 5 C.F.R.

§2635.807(b). 5 C.F.R. §2635.702(b) prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another. However, 5 C.F.R. §2635.807(b) allows Government employees to include or permit the inclusion of their titles or positions as one of several biographical details when such information is given to identify Government employees in connection with a speaking engagement so long as the Government title or position is given no more prominence than any other significant biographical detail.

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes.

You also need to be mindful of the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950. You particularly need to make sure that your activities are not being performed in association with a fundraising event.

You are also reminded that under the general standards of conduct regulations in Part 2635 you must undertake outside employment activities only on your own time (including duly approved annual leave or compensatory time), away from EPA premises, and without the use of any government personnel or government property such as telephones, office supplies, or office machines.

My approval is valid for the above-referenced activity and shall be valid for this specific activity. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity.

Please call Steven L. Jawgiel, Assistant Deputy Ethics Official, at (415) 972-3876 if you have any questions.

cc: Employee's Ethic File  
Steven Jawgiel (Assistant Regional Counsel, Deputy Ethics Official, EPA Region IX)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

**MEMORANDUM**

To: Nancy Marvel  
Regional Counsel  
Deputy Ethics Official  
Region IX

From: FOIA EX  
Senior Counsel  
Region IX  
Grade 15

Date: September 8, 2009

Re: Request for Approval of Outside Speaking Activity related to Climate Change

The purpose of this memorandum is to request approval to perform a speaking engagement related to climate change in my personal capacity. Below is the information requested in 5 CFR § 6401.103 (b):

(1) *Employees' name, title and grade:*

FOIA EX Senior Counsel (Attorney Advisor), Grade 15

(2) *Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:* I am requesting approval to provide a presentation at the request of FOIA EX (FOIA EX), undergraduate political science class, this fall, tentatively scheduled for September 23, 2009). I plan to make this presentation along with my wife, FOIA EX, who is also an EPA employee and is also seeking your approval to make this presentation. There is no compensation involved. The presentation would address (a) the urgency of addressing climate change effectively, (b) the use of cap-and-trade to address climate change, (c) the use of carbon fees to address climate change, and (d) other measures to address climate change.

(3) *The name and business of the person or organization for which the work will be done (in case of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):* The speaking activity will be to provide education at FOIA EX regarding the urgency of climate change and the choices available to address climate change.

(4) *The estimated time to be devoted to the activity:* The work would be done entirely on my own time and would probably involve taking between approximately 2 hours of annual leave to

travel to and attend this speaking engagement. Total time to perform this activity would be approximately 4 to 6 hours.

(5) **Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from the work required):** Preparation for this activity will be performed entirely outside of my normal duty hours. Two hours of annual leave will be needed for the speaking engagement.

(6) **The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment:** No official duty time or Government property, resources or facilities not available to the general public will be used in connection with the outside activities.

(7) **The basis for compensation:** I will not be seeking or receiving compensation for any of the outside activities.

(8) **The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102:** I have read, am familiar with and will abide by the restrictions described in 5 CFR Part 2635 and section 6401.102. I will only mention my EPA employment among with other biographical details, in a manner similar to the presentation previously approved and provided at the website I maintain with ~~EXC~~ at www.FOIA EXC I will state that I am speaking only in my personal capacity as a parent and citizen and will provide a disclaimer, noting that nothing I say is intended to present the views of EPA or the federal government.

(9) **An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided:** I do not anticipate any EPA assistance agreements or contracts to be held by a person to or for whom services would be provided.

I greatly appreciate your consideration and assistance with this matter. Please feel free to contact me with any questions at ( ~~FOIA EXC~~ or my cell ~~FOIA EXC~~ ).

~~FOIA EXC~~  
FOIA EXC

9/8/09

Date

cc: Steven L. Jawgiel (Assistant Regional Counsel/Assistant Deputy Ethics Official)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

September 10, 2009

MEMORANDUM

From:   
Nancy Marvel  
Regional Counsel, Deputy Ethics Official  
U.S. Environmental Protection Agency, Region IX

To: FOIA EXG  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region IX

Subject: Permission to Participate in Outside Activities

This is in response to your September 8, 2009 memorandum requesting permission to provide a presentation to a FOIA EXG undergraduate political science class. Your presentation will address (a) the urgency of addressing climate change effectively, (b) the use of cap-and-trade to address climate change, (c) the use of carbon fees to address climate change, and (d) other measures to address climate change. You anticipate that the total time needed to perform this outside activity will be approximately 4-6 hours. This time estimate includes approximately 2 hours of annual leave to perform this activity. Please note you must obtain approved annual leave from your supervisor before participating in the above-referenced activity. FOIA EXG will not compensate you for this activity.

EPA's standards of conduct regulations at 5 C.F.R. § 6401.103(a) require Government employees to obtain approval from their Deputy Ethics Official (DEO) before engaging in certain outside activities. Based on the information in your memorandum, I approve your request to deliver the above-referenced presentation at FOIA EXG.

Generally, 5 C.F.R. §2635.807(a) prohibits federal employees from receiving compensation from any source other than the Government for teaching that relates to the employees' official duties. However, 5 C.F.R. §2635.807(a)(3) makes an exception to the general rule by allowing federal employees to accept compensation for teaching courses that relate to their official Government duties so long as the course is taught as part of a regularly established curriculum of an institution of higher education. Your proposed activity meets the criteria set forth in 5 C.F.R. §2635.807(a)(3).

I recommend that you review the standards of conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. §2635.702(b), which references 5 C.F.R.

§2635.807(b). 5 C.F.R. §2635.702(b) prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another. However, 5 C.F.R. §2635.807(b) allows Government employees to include or permit the inclusion of their titles or positions as one of several biographical details when such information is given to identify Government employees in connection with a speaking engagement so long as the Government title or position is given no more prominence than any other significant biographical detail.

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes.

You also need to be mindful of the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950. You particularly need to make sure that your activities are not being performed in association with a fundraising event.

You are also reminded that under the general standards of conduct regulations in Part 2635 you must undertake outside employment activities only on your own time (including duly approved annual leave or compensatory time), away from EPA premises, and without the use of any government personnel or government property such as telephones, office supplies, or office machines.

My approval is valid for the above-referenced activity and shall be valid for this specific activity. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity.

Please call Steven L. Jawgiel, Assistant Deputy Ethics Official, at (415) 972-3876 if you have any questions.

cc: Employee's Ethic File  
Steven Jawgiel (Assistant Regional Counsel, Deputy Ethics Official, EPA Region IX)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

**MEMORANDUM**

To: Nancy Marvel  
Regional Counsel  
Deputy Ethics Official  
Region IX

From: FOIA EXC  
Senior Counsel  
Region IX  
Grade 15

Date: April 10, 2009

Re: Request for Approval of Outside Speaking Activities related to Climate Change

The purpose of this memorandum is to request approval to perform a speaking engagement related to climate change in my personal capacity. Below is the information requested in 5 CFR § 6401.103 (b):

**(1) *Employees' name, title and grade:***

FOIA EXC, Senior Counsel (Attorney Advisor), Grade 15

**(2) *Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:*** I am requesting approval to provide a presentation at the request of FOIA EXC on at the FOIA EXC Law School on Tuesday, April 14<sup>th</sup>, 2009. I plan to make this presentation along with my wife, FOIA EXC who is also an EPA employee and is also seeking your approval to make this presentation. There is no compensation involved. The presentations would address (a) the urgency of addressing climate change effectively, (b) the use of cap-and-trade to address climate change, (c) the use of carbon fees to address climate change, and (d) other measures to address climate change.

**(3) *The name and business of the person or organization for which the work will be done (in case of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):*** The speaking activities will be to provide education at FOIA EXC regarding the urgency of climate change and the choices available to address climate change.

**(4) *The estimated time to be devoted to the activity:*** The work would be done entirely on my own time and would probably involve taking 2 hours of annual leave to attend this speaking

engagement. Laurie and I have made this presentation before, so the total time to perform this activity would be limited to the class time (one hour) and travel/set up time (one hour).

**(5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from the work required):** Preparation for this activity has already been performed entirely outside of my normal duty hours. Two hours of annual leave will be needed for this speaking engagement.

**(6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment:** No official duty time or Government property, resources or facilities not available to the general public will be used in connection with the outside activities.

**(7) The basis for compensation:** I will not be seeking or receiving compensation for any of the outside activities.

**(8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102:** I have read, am familiar with and will abide by the restrictions described in 5 CFR Part 2635 and section 6401.102. I will only mention my EPA employment among with other biographical details, in a manner similar to the presentation previously approved and provided at the website I maintain with ~~Ex 6~~ at www.foia-ex6. I will state that I am speaking only in my personal capacity as a parent and citizen and will provide a disclaimer, noting that nothing I say is intended to present the views of EPA or the federal government.

**(9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided:** I do not anticipate any EPA assistance agreements or contracts to be held by a person to or for whom services would be provided.

I greatly appreciate your consideration and assistance with this matter. Please feel free to contact me with any questions at FOIA EX6 or my cell FOIA EX6

FOIA EX6  
FOIA EX6

4/10/09  
Date

cc: Steven L. Jawgiel (Assistant Regional Counsel/Assistant Deputy Ethics Official)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

**MEMORANDUM**

To: Nancy Marvel  
Regional Counsel  
Deputy Ethics Official  
Region IX

From: FOIA ExC  
Senior Counsel  
Region IX  
Grade 15

Date: September 8, 2009

Re: Request for Approval of Outside Speaking Activity related to Climate Change

The purpose of this memorandum is to request approval to perform a speaking engagement related to climate change in my personal capacity. Below is the information requested in 5 CFR § 6401.103 (b):

**(1) Employees' name, title and grade:**

FOIA ExC, Senior Attorney (Attorney Advisor), Grade 15

**(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:** I am requesting approval to provide a presentation at the request of FOIA ExC, undergraduate political science class, this fall, tentatively scheduled for September 23, 2009). I plan to make this presentation along with my husband, FOIA ExC1, who is also an EPA employee and is also seeking your approval to make this presentation. There is no compensation involved. The presentation would address (a) the urgency of addressing climate change effectively, (b) the use of cap-and-trade to address climate change, (c) the use of carbon fees to address climate change, and (d) other measures to address climate change.

**(3) The name and business of the person or organization for which the work will be done (in case of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):** The speaking activity will be to provide education at FOIA ExC regarding the urgency of climate change and the choices available to address climate change.

**(4) The estimated time to be devoted to the activity:** The work would be done entirely on my own time and would probably involve taking between approximately 2 hours of annual leave to

travel to and attend this speaking engagement. Total time to perform this activity would be approximately 4 to 6 hours.

(5) **Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from the work required):** Preparation for this activity will be performed entirely outside of my normal duty hours. Two hours of annual leave will be needed for the speaking engagement.

(6) **The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment:** No official duty time or Government property, resources or facilities not available to the general public will be used in connection with the outside activities.

(7) **The basis for compensation:** I will not be seeking or receiving compensation for any of the outside activities.

(8) **The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102:** I have read, am familiar with and will abide by the restrictions described in 5 CFR Part 2635 and section 6401.102. I will only mention my EPA employment among with other biographical details, in a manner similar to the presentation previously approved and provided at the website I maintain with FOIA EX 6 www.foiaex6 will state that I am speaking only in my personal capacity as a parent and citizen and will provide a disclaimer, noting that nothing I say is intended to present the views of EPA or the federal government.

(9) **An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided:** I do not anticipate any EPA assistance agreements or contracts to be held by a person to or for whom services would be provided.

I greatly appreciate your consideration and assistance with this matter. Please feel free to contact me with any questions at \_\_\_\_\_, or my cell

FOIA EX 6  
FOIA EX 6

9/8/09  
Date

cc: Steven L. Jawgiel (Assistant Regional Counsel/Assistant Deputy Ethics Official)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

October 23, 2009

MEMORANDUM

From: Nancy Marvel *Nancy Marvel*  
Regional Counsel, Deputy Ethics Official  
U.S. Environmental Protection Agency, Region IX

To: FOIA EXEMPTIONS  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region IX

Subject: Permission to Participate in Outside Activities

This is in response to your October 21, 2009 memorandum requesting permission to teach an undergraduate environmental law and policy class for the 2010 Spring Semester at FOIA EX University (EX). The class will provide students with an introduction to environmental law. You anticipate you will not need to take any annual leave to perform this activity. You also anticipate that the compensation from SFSU will range between \$ EX and \$ EX or the semester.

EPA's standards of conduct regulations at 5 C.F.R. § 6401.103(a) require Government employees to obtain approval from their Deputy Ethics Official (DEO) before engaging in certain outside activities. Based on the information in your memorandum, I approve your request.

Generally, 5 C.F.R. §2635.807(a) prohibits federal employees from receiving compensation from any source other than the Government for teaching that relates to the employees' official duties. However, 5 C.F.R. §2635.807(a)(3) makes an exception to the general rule by allowing federal employees to accept compensation for teaching courses that relate to their official Government duties so long as the course is taught as part of a regularly established curriculum of an institution of higher education. Your proposed activity meets the criteria set forth in 5 C.F.R. §2635.807(a)(3).

I recommend that you review the standards of conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. §2635.702(b), which references 5 C.F.R. §2635.807(b). 5 C.F.R. §2635.702(b) prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government

sanctions employees' personal activities or the activities of another. However, 5 C.F.R. §2635.807(b) allows Government employees to include or permit the inclusion of their titles or positions as one of several biographical details when such information is given to identify Government employees in connection with a speaking engagement so long as the Government title or position is given no more prominence than any other significant biographical detail.

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes.

You also need to be mindful of the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950. You particularly need to make sure that your activities are not being performed in association with a fundraising event.

You are also reminded that under the general standards of conduct regulations in Part 2635 you must undertake outside employment activities only on your own time (including duly approved annual leave or compensatory time), away from EPA premises, and without the use of any government personnel or government property such as telephones, office supplies, or office machines.

My approval is valid for the above-referenced activity and shall be valid for this specific activity during the 2009 Fall semester. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity.

Please call Steven L. Jawgiel, Assistant Deputy Ethics Official, at (415) 972-3876 if you have any questions.

cc: Employee's Ethic File  
Steven Jawgiel (Assistant Regional Counsel, Deputy Ethics Official, EPA Region IX)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

**MEMORANDUM**

To: Nancy Marvel  
Regional Counsel  
Deputy Ethics Official  
Region IX

From: FOIA EX 6  
Assistant Regional Counsel  
Region IX  
GS-14

Date: October 21, 2009

Re: Request for Approval of Outside Employment or Activities: Lecturer at FOIA EX 6  
EX 6 University for Spring Semester 2010.

The purpose of this memorandum is to request approval for outside employment with FOIA EX 6 University. Below is the information requested in 5 CFR § 6401.103 (b):

(1) FOIA EX 6, Assistant Regional Counsel, GS-14

(2) Guest Lecturer of two-hour undergraduate law and policy classes at FOIA EX 6 University (EX 6 for Spring Semester 2010 (current lecturer is taking a temporary leave). Compensation will be negotiated with the Dean, but historically has been nominal. I do not anticipate conflicts.

(3) *The name and business of the person or organization for which the work will be done:*  
EX 6

(4) *The estimated time to be devoted to the activity:* No annual leave time will be devoted to this activity. The class will be conducted in the evening after-hours.

(5) *Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from the work required):* The service will be performed entirely outside of normal duty hours. The classes are scheduled for early evenings, one day a week.

(6) I state that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

(7) *The basis for compensation:* Nominal compensation is expected.

(8) I state that have read, and am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102.

(9) I am not aware of any EPA assistance agreements or contracts held by *EXC*.

I greatly appreciate your consideration and assistance with this matter. Please feel free to contact me at ext. 2 *EX 4* with any questions.

*FOIA EX 6*  
*FOIA EX 6*

October 21 2009

cc: Steven L. Jawgiel (Assistant Regional Counsel/Assistant Deputy Ethics Official)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

MEMORANDUM

From: *Nancy Marvel*  
Nancy Marvel  
Regional Counsel, Deputy Ethics Official  
U.S. Environmental Protection Agency, Region IX

To: *FOIA EXC*  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region IX

Date: January 6, 2010

Subject: Request for Permission to Participate in an Outside Activity

This is in response to your memorandum dated January 6, 2010, requesting permission to represent a friend, *FOIA EXC*, as his attorney during a deposition on January 7, 2010. The deposition is being taken by counsel from the insurance company pursuant to *FOIA EXC* property loss claim. You will not receive compensation for this activity and you will not represent *FOIA EXC* after this deposition. You will need to take approximately 3-8 hours of annual leave on January 7<sup>th</sup> to perform this activity.

EPA's standards of conduct regulations at 5 C.F.R. § 6401.103(a) require Government employees to obtain approval from their Deputy Ethics Official (DEO) before engaging in outside activities that involve the practice of a profession.

Based on the information in your memorandum, I approve your request.

I recommend that you review the standards of conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. §2635.702(b), which references 5 C.F.R. §2635.807(b). 5 C.F.R. §2635.702(b) prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their outside activity in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another. However, 5 C.F.R. §2635.807(b) allows Government employees to include or permit the inclusion of their titles or positions as one of several biographical details when such information is given to identify Government employees in connection with a speaking engagement so long as the Government title or position is given no more prominence than any other significant biographical detail.

7

It is important for you to remember that the federal criminal statute at 18 U.S.C. § 203 prohibits you or any associate of yours from representing the interests of another before any entity of the Federal Government with or without compensation. As such, you may not represent any clients in federal court or before any federal agencies.

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes.

You also need to be mindful of the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950. You particularly need to make sure that your activities are not being performed in association with a fundraising event.

You are also reminded that under the general standards of conduct regulations in Part 2635 you must undertake outside employment activities only on your own time (including duly approved annual leave or compensatory time), away from EPA premises, and without the use of any government personnel or government property such as telephones, office supplies, or office machines.

My approval is only valid for the above-referenced activity. You must submit a written request to your Deputy Ethics Official (DEO) for approval to continue participating in this activity after January 7, 2010. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity.

Please call Steven L. Jawgiel, Assistant Deputy Ethics Official, at (415) 972-3876 if you have any questions.

cc: Steven Jawgiel (Assistant Regional Counsel; Assistant Deputy Ethics Official, Region IX)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

**MEMORANDUM**

From: FOIA EXC  
Assistant Regional Counsel  
Region IX  
GS-14

To: Nancy Marvel  
Regional Counsel  
Deputy Ethics Official  
Region IX

Date: January 6, 2010

Re: Request for Approval of Outside Employment or Activities

The purpose of this memorandum is to request approval for outside employment with my friend, FOIA EXC. Below is the information requested in 5 CFR § 6401.103 (b):

(1) *Employee's name, title and grade:* FOIA EXC, Assistant Regional Counsel, GS-14.

(2) *Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:* I would like to represent FOIA EXC in a deposition on January 7, 2010. The deposition is being taken by counsel for an insurance company to which FOIA EXC has submitted a claim relating to property losses from a fire. FOIA EXC will not be compensating me for this representation, and I would be representing him *pro bono*. There is no litigation associated with the claim as far as I know at this time and I understand this deposition to be part of the insurer's (FOIA EXEMPTION 6) investigation into FOIA EXC's claim.

(3) *The name and business of the person or organization for which the work will be done (in case of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):* I would be representing EXC as an individual homeowner. I do not plan on continuing to represent EXC after the deposition is concluded except to the extent that I would need to transmit information or documents to any counsel he may retain relating to his claim in the future or otherwise maintain any attorney/client confidential or work product materials he and I may generate in connection with his deposition.

(4) *The estimated time to be devoted to the activity:* 3-8 hours on January 7, 2010.

(5) **Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from the work required):** 3-8 hours on January 7, 2010.

(6) **The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment:** I hereby declare that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

(7) **The basis for compensation:** I will be representing: FOIA EX 6 pro bono.

(8) **The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102:** I hereby declare that I have read, am familiar with and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102.

(9) **An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided:** FOIA EX 6 holds no EPA assistance agreements or contracts.

I greatly appreciate your consideration and assistance with this matter. Please feel free to contact me at FOIA EX 6 1 or FOIA EX 6 (cell) with any questions.

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FOIA EXEMPTION 6

FOIA EX 6

January 6, 2010

cc: Steven L. Jawgiel (Assistant Regional Counsel/Assistant Deputy Ethics Official)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

MEMORANDUM

From:

*Nancy J. Marvel*  
Nancy Marvel  
Regional Counsel, Deputy Ethics Official  
U.S. Environmental Protection Agency, Region IX

To:

FOIA EX6  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region IX

Subject:

Permission to Participate in Outside Activities

This is in response to your October 1, 2010 request for permission to engage in outside employment with FOIA EX6 College. Specifically, your outside employment request seeks permission to accept an adjunct teaching appointment in the Political Science Department at FOIA EX6 College for the 2011 January and Spring terms. You will co-teach a course called Food, Politics, and Policy in Japan during the January term. In the Spring term, you will teach a course called Environmental Law and Environmental, Health, and Safety Regulations. FOIA EX6 College will compensate you approximately \$ EX6 in addition to anticipated travel costs, including transportation, lodging, and meals associated with the trip to Japan. You will participate in this activity while in pre-approved leave status.

EPA's standards of conduct regulations at 5 C.F.R. § 6401.103(a) require Government employees to obtain approval from their Deputy Ethics Official (DEO) before engaging in certain outside activities. Based on the information in your memorandum, I approve your request to accept the adjunct teaching position at EX6 College.

Generally, 5 C.F.R. §2635.807(a) prohibits federal employees from receiving compensation from any source other than the Government for teaching that relates to the employees' official duties. However, 5 C.F.R. §2635.807(a)(3) makes an exception to the general rule by allowing federal employees to accept compensation for teaching courses that relate to their official Government duties so long as the course is taught as part of a regularly established curriculum of an institution of higher education. Your proposed activity meets the criteria set forth in 5 C.F.R. §2635.807(a)(3).

I recommend that you review the standards of conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. §2635.702(b), which references 5 C.F.R.

§2635.807(b). 5 C.F.R. §2635.702(b) prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another. However, 5 C.F.R. §2635.807(b) allows Government employees to include or permit the inclusion of their titles or positions as one of several biographical details when such information is given to identify Government employees in connection with a speaking engagement so long as the Government title or position is given no more prominence than any other significant biographical detail.

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes.

You also need to be mindful of the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950. You particularly need to make sure that your activities are not being performed in association with a fundraising event.

You are also reminded that under the general standards of conduct regulations in Part 2635 you must undertake outside employment activities only on your own time (including duly approved annual leave or compensatory time), away from EPA premises, and without the use of any government personnel or government property such as telephones, office supplies, or office machines.

My approval is valid for the above-referenced activity and shall be valid for this specific activity. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity.

Please call Steven L. Jawgiel, Assistant Deputy Ethics Official, at (415) 972-3876 if you have any questions.

cc: Employee's Ethic File  
Steven Jawgiel (Assistant Regional Counsel, Deputy Ethics Official, EPA Region IX)

From: Steven Jawgiel   
Assistant Regional Counsel, Assistant Deputy Ethics Official

To: Nancy Marvel  
Regional Counsel, Deputy Ethics Official

Date: October 5, 2010

Re: FOIA EXC 1's Outside Employment Request

Nancy,

FOIA EXC outside employment request is in order and meets all the requirements set forth in 5 C.F.R. §6401.103. I believe that this request falls under exception (3)(i)(A) to the general prohibition against receiving compensation for a teaching activity that relates to an employee's official duties as set forth in 5 C.F.R. §2635.807. Pursuant to exception (3)(i)(A), an employee may teach a course that is related to her official duties if the course is offered as part of a regularly established curriculum at an institution of higher education. FOIA EXC request meets these requirements.

Enclosed are FOIA EXC original request and a draft approval memorandum for your signature. Please let me know if you have any questions.

Thanks Nancy.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 HAWTHORNE STREET  
SAN FRANCISCO, CA 94105-3901

**MEMORANDUM**

From: FOIA EXC  
Assistant Regional Counsel  
Region IX  
(Grade 14)

To: Nancy Marvel  
Regional Counsel  
Deputy Ethics Official  
Region IX

Date: October 1, 2010

Re: Request for Approval of Outside Employment or Activities

The purpose of this memorandum is to request approval for outside employment with FOIA EXC College. Below is the information requested in 5 CFR § 6401.103 (b):

(1) *Employee's name, title and grade:* FOIA EXC, Assistant Regional Counsel, GS-14

(2) *Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:* Adjunct teaching appointment in the Political Science Department at FOIA EXC College for January and Spring terms, 2011. I will co-teach a course called Food, Politics, and Policy in Japan during the January term. In the spring term, I will teach Environmental Law and Environmental, Health, and Safety Regulation. Detailed course descriptions offered as part of the regularly established curriculum of FOIA EXC College are attached.

*Amount of compensation expected:* \$ EXC All EXC winter term courses with a travel component cover the travel costs of the professors. If the winter term course involves travel to Japan, as I expect it will, then my compensation will also include transportation, lodgings and meals associated with teaching the class in Japan.

(3) *The name and business of the person or organization for which the work will be done (in case of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):* EXC College – a non-profit liberal arts college located in EXC Wisconsin.

(4) **The estimated time to be devoted to the activity:** Full time in January, half-time in the spring. I will do the course preparation in November and December, when I am already on leave.

(5) **Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from the work required):** Service will be performed when I'm in Wisconsin on already scheduled and approved leave so it is entirely outside of normal duty hours.

(6) **The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment:** No official duty time or government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

(7) **The basis for compensation:** EXC is offering me the compensation it typically offers adjunct professors teaching the number and type of courses I will be teaching.

(8) **The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102:**

I've reviewed those regulations and will abide by them. In particular, I've reviewed 5 CFR § 2635.807 (teaching, speaking and writing) and I understand that my official position should only be noted along with other relevant biographical details and that I must provide a clear disclaimer that I teach/talk as a private individual and not on behalf of the EPA.

(9) **An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided:** None. FOIA EXC College has a SeaGrant to look into water quality issues involving the Great Lakes, but the professor organizing the work under the SeaGrant said it is funded from NOAA. Also, I was told to check with Dr. FOIA EXC EXC Director of the Environmental Science Program at EXC College, as she would be involved in any grants from EPA. Dr. EXC told me that the only involvement with EPA is that FOIA EXC students have held internships in the EPA Chicago office, but that none of the faculty have long-term research agreements with EPA. Based on these inquiries, I believe that EXC College does not have research contracts funded by EPA.

I greatly appreciate your consideration and assistance with this matter. Please feel free to contact me at FOIA EXC (until October 14<sup>th</sup>. After October 20<sup>th</sup> I will be at FOIA EXC) with any questions.

FOIA EXC  
FOIA EXC

Oct 1 2010  
Date

cc: Steven L. Jawgiel (Assistant Regional Counsel/Assistant Deputy Ethics Official)

### ***Detailed course descriptions:***

#### **Food, Politics, and Policy in Japan**

This course brings students to Japan for the January Term to study how politics and the state have affected the Japanese diet in contemporary era. The course will examine the role that the market economy, imperialism, self-sufficiency policies, and Japan's integration into global trade have played in transforming what Japanese people have consumed over the past 150 years. Students will explore how these changes influenced global markets and food resources, and they will learn how the transformation of the Japanese diet has affected public health and consumer tastes. The course will pay special attention to the problem of resource depletion and the environmental impact of what Japanese people have eaten in past times and what they eat today. Participants will also compare the food traditions of the Kansai, Hokuriku, and Kanto regions during the course.

#### **Environmental Law**

This course provides an introduction to the field of environmental law, the legal processes and outcomes that affect environmental policies. Both statutory and case law will be explored in ways that will develop students analytical skills and abilities to form legal arguments related to the fields of natural resource management and pollution regulation. Political, economic and philosophical issues are interwoven throughout the subject and speak to the complexity that characterizes the relationships between society and nature.

#### **Environmental, Health, and Safety Regulation**

This course will explore the role of direct government regulation in American life. The course will pay special attention to environmental regulations (acid rain, climate change, food safety, chemical and pesticide regulation). Students will consider how direct regulation fits into the wider array of possible policy approaches, be introduced to concepts such as regulatory capture, and consider in greater depth the way that business, scientists, advocacy organizations, other interests, Congress, the President, agencies, courts and state officials approach the realm of regulation, and the impact of their efforts. Students will explore what areas our society chooses to regulate, and examine why we have regulations, the role of interest groups, the benefits and costs of regulation, and how to evaluate a regulation.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

DEC 14 2010

MEMORANDUM

From: Robert Moyer *Robert Moyer*  
Acting Regional Counsel, Acting Deputy Ethics Official  
U.S. Environmental Protection Agency, Region IX

To: FOIA EX 6  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region IX

Subject: Permission to Participate in Outside Activities

This is in response to your December 1, 2010 memorandum requesting permission to teach an environmental law class, titled Toxics, Law and Policy, for the 2010 Spring Semester at FOIA EX 6 University School of Law ( ). The class will focus on how common law might address exposures to toxic substances. The course will also discuss various regulatory responses to toxic substance and hazardous waste issues, which will include discussions about RCRA, CERCLA, FIFRA, SDWA, TSCA, the CWA, and the CAA. The class will take place on Mondays and Wednesdays between 1:15 PM and 2:30 PM. Because the class schedule will overlap with your core duty hours at the EPA, you will need to use personal leave, in the form of annual leave, credit hours, etc. to perform this outside activity. You discussed this proposed activity with your supervisor and she agreed with the anticipated changes to your work schedule. FOIA EX 6 will compensate you \$ EX 6 for teaching the semester. You will split this income with another EPA employee who is co-teaching the course with you, who has previously received permission to teach this course.

EPA's standards of conduct regulations at 5 C.F.R. § 6401.103(a) require Government employees to obtain approval from their Deputy Ethics Official (DEO) before engaging in certain outside activities. Based on the information in your memorandum, I approve your request.

Generally, 5 C.F.R. §2635.807(a) prohibits federal employees from receiving compensation from any source other than the Government for teaching that relates to the employees' official duties. However, 5 C.F.R. §2635.807(a)(3) makes an exception to the general rule by allowing federal employees to accept compensation for teaching courses that relate to their official Government duties so long as the course is taught as part of a regularly established curriculum of an institution of higher education. Your proposed activity meets the criteria set forth in 5 C.F.R. §2635.807(a)(3).

I recommend that you review the standards of conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. §2635.702(b), which references 5 C.F.R. §2635.807(b). 5 C.F.R. §2635.702(b) prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another. However, 5 C.F.R. §2635.807(b) allows Government employees to include or permit the inclusion of their titles or positions as one of several<sup>1</sup> biographical details when such information is given to identify Government employees in connection with a speaking engagement so long as the Government title or position is given no more prominence than any other significant biographical detail.

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes.

You also need to be mindful of the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950. You particularly need to make sure that your activities are not being performed in association with a fundraising event.

You are also reminded that under the general standards of conduct regulations in Part 2635 you must undertake outside employment activities only on your own time (including duly approved annual leave or compensatory time), away from EPA premises, and without the use of any government personnel or government property such as telephones, office supplies, or office machines.

My approval is valid for the above-referenced activity for three (3) years from the date of this memorandum. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity (e.g., a change in the course subject matter or a change in compensation you will receive).

Please call Steven L. Jawgiel, Assistant Deputy Ethics Official, at (415) 972-3876 if you have any questions.

cc: Employee's Ethic File  
Steven Jawgiel (Assistant Regional Counsel, Deputy Ethics Official, EPA Region IX)

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<sup>1</sup> EPA interprets the term "several" to mean three (3) total biographical details. Therefore, you must include two other significant biographical details when identifying your EPA title or position. Please remember, you must not give more prominence to the EPA detail than the other two biographical details.

## MEMORANDUM

To: Nancy Marvel  
Regional Counsel  
Deputy Ethics Official  
Region IX

From: FOIA Exemption 6  
Assistant Regional Counsel  
Region IX

Through: Gretchen Busterud   
Assistant Regional Counsel  
Region IX

Date: December 1, 2010

Re: Request for Approval of Outside Employment or Activities: Adjunct Faculty at FOIA EXC University School of Law for Spring Semester 2011.

The purpose of this memorandum is to request approval for outside employment with the FOIA EXC University School of Law EXC). Below is the information requested in 5 CFR § 6401.103(b):

(1) **Employee name, title, and grade:** FOIA EXC, Assistant Regional Counsel, GS-14.

(2) **Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:** I am seeking approval to engage in outside work co-teaching a Spring 2010 environmental law class at FOIA EXC University (EXC) School of Law. This employment opportunity will be performed outside of my normal duties as an assistant regional counsel at EPA, Region IX's office of regional counsel ("ORC"). I will be co-teaching the course with FOIA EXC, one of my colleagues at ORC who has already submitted a separate request for outside employment. EXC School of Law is an accredited law school located about FOIA EXC from the Region IX offices. Salary has not yet been determined, but EXC and I expect to receive a combined salary of around \$ EXC to teach the course, which will be split evenly between us.

(3) **The name and business of the person or organization for which the work will be done:** EXC School of Law

(4) **The estimated time to be devoted to the activity:** The course will be held on Mondays and Wednesdays from 1:15 PM to 2:30 PM from January through June. I expect to work an average of four to six hours per week on these non-classroom activities. The fact that I am co-teaching the course with EXC will help limit the workload.

(5) **Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from the work required):** Since the time necessary to teach the course may overlap up to an hour with my current work-schedule, I intend to either change my work-schedule or use annual leave to make up the time. I will also prepare class lessons and grade papers, assignments and tests outside my normal working hours.

(6) **The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment:** No official duty time or government property, resources, or facilities not available to the general public will be used in connection with this outside work. For instance, I will have access to Westlaw, Nexis Lexis, and other legal search engines through ~~EXC~~ therefore I will not need to use my EPA accounts for my teaching duties.

(7) **The basis for compensation:** *Per annum.*

(8) **Employee statement:** I state that have read, and am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102.

(9) **An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provide:** I am not aware of any EPA assistance agreements or contracts held by ~~EXC~~.

In addition, my work at ~~EXC~~ will not involve any federal government agencies, any federal administrative proceedings, or any litigation or other court proceedings involving the federal government as a party.

I greatly appreciate your consideration and assistance with this matter. Please feel free to contact me at ext. 2- ~~EXC~~ with any questions.

FOIA

EXEMPTIONS

December / 2010

cc: Steven L. Jawgiel (Assistant Regional Counsel/Assistant Deputy Ethics Official)

SYLLABUS FOR ENVIRONMENTAL TOXICS, LAW AND POLICY

FOIA EX6 University School of Law

Spring Semester, 2010

Professors EX6 and F EX6

**GENERAL DESCRIPTION:** How to regulate the thousands of toxic substances used in commerce today is a central focus of environmental law. This class will focus first on how common law might deal with exposures to toxic substances. We will then study the range of regulatory responses dealing with toxic substances and hazardous waste, including the federal "cradle to grave" hazardous waste management law (RCRA), the federal "Superfund" law used to clean up a broad array of waste sites (CERCLA), and other federal statute controlling toxics in specific circumstances, including pesticides (FIFRA), drinking water (SDWA), materials in commerce (TSCA), surface water contamination (CWA) and air pollution (CAA). We also will cover risk assessment and risk management issues and information-based alternatives to traditional regulation, including California's Proposition 65.

**COURSEBOOK:** FARBER ET AL., CASES AND MATERIALS ON ENVIRONMENTAL LAW, (8<sup>th</sup> ed. 2010)

**COURSE NO.:** LAW 894A

**CLASSROOM:** MW, 1:15-2:30PM; Room XXX

**PHONE NUMBERS:** EX6 (work) / EX6  
EX6 (home) / EX6

**OFFICE HOURS:** Tuesday, 12:00 – 1:00 p.m., TBD

**ATTENDANCE AND PREPAREDNESS POLICY:** Students are expected to attend each class session and be prepared to discuss each session's required reading. There will be a non-graded practical argument session at the end of the semester, for which students will be expected to attend and participate.

**GRADING METHOD:** Final Exam.

**EXAM DATE:** TBA

**EXAM FORMAT:** 3-hour in-class exam.

**EXAM TYPE:** Closed book except for one 8 X 11 sheet of paper with a student's own handwritten notes on the front and back. No typewritten notes are allowed. No attachments to either side of the piece of paper are allowed. You may not bring in two pieces of paper that are attached together. You may not bring in a copy of a piece of paper with handwritten notes. You will be required to put your one piece of paper with your handwritten notes into the exam envelope, with your exam number on the piece of paper. You may reclaim your paper with your

handwritten notes when you pick up your essay answer. We will not grade you on the contents of your piece of paper. However, we will check that your piece of paper complies with the above requirements. Students may not bring into the exam any other materials.

**PRACTICAL RESEARCH and REVIEW PROJECTS:** There will be a non-graded practical argument session at the end of the semester to develop a practical understanding and application of environmental law principles.

GRADE TYPE: Letter

Introduction and Commons Perspective (Professors <sup>FOIA</sup> ~~EX6~~ and <sup>EX6</sup> ~~EX6~~)

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Date	Lecture	Reading
1/10	Introduction, Overview and Ecologic Perspective	pp. 3-39

Commons Perspective (Professor <sup>FOIA</sup> ~~EX6~~)

Date	Lecture	Reading
1/12	Commons Perspective; Private versus Public Interests	pp. 40-62

Deleted: 39-66

Common Law and Intro to Administrative Law Principles (Professor <sup>EX6</sup> ~~EX6~~)

Date	Lecture	Reading
1/19	Common Law; Causation and Stigma	pp. 154-168; Supplemental Reader Sec. 1
1/24	Administrative Law Principles, including Rulemaking and Adjudication	pp. 360-365; 5 U.S.C. §§ 551, 553-4, 556-7 (APA §§ 551, 553, 554, 556, 557); Supplemental Reader

Challenges to Administrative Action (Professor <sup>EX6</sup> ~~EX6~~)

Date	Lecture	Reading
1/26	Challenges to Administrative Action	pp. 415-440

Application of the Commerce Clause (Professor <sup>EX6</sup> ~~EX6~~)

Date	Lecture	Reading
1/31	Legislative Update - International Concerns - Eroding Basis in Commerce Clause and Federal Scope	pp. 279-304

Deleted: 287-314,

Deleted: CERCLA § 128

FOIA  
 Administrative Enforcement (Professor I EX.6)

Date	Lecture	Reading
2/2	Administrative Enforcement	Supplemental Reader

FOIA EX.6  
 Civil and Criminal Enforcement (Professor I)

Date	Lecture	Reading
2/7	Civil Liability and Penalties/SEPs	Supplemental Reader
2/9	Criminal Liability	Supplemental Reader

EX.6  
 Risk Assessment and Management (Professor I)

Date	Lecture	Reading
2/14	Risk Based Approaches to Regulation: Risk Assessment	pp. 67-81; Supplemental Reader
2/16	Risk Based Approaches to Regulation: Setting Priorities	pp. 81-117
2/22	Risk Based Approaches: Cost-Benefit Analysis and Environmental Equity	pp. 117-132, 145-154; Supplemental Reader
2/23	Risk Assessment in Real life	Guest speaker

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 Deleted: p. 785  
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 Deleted: for Environmental Means  
 Deleted: pp. 168-90

EX.6  
 Precautionary Principle (Professor I)

Date	Lecture	Reading
2/28	Precautionary Principle In Practice	pp. 1024-1026; Supplemental Reader

EX.6  
 Market Regulation (Professor I)

Date	Lecture	Reading
3/2	Market Regulation (Cap and Trade) and Global Warming	pp. 133-44, 626-46; Supplemental Reader

EX.6  
 Clean Up (Professor I)

Date	Lecture	Reading
3/7	Introduction to CERCLA; Principles of Liability Allocation	pp. 890-951
3/9	"Brownfields" Developments	pp. 964-977; Supplemental Reader

Deleted: 41-66, 889;  
 Deleted: Avial and ARC decisions

----- Spring Break, March 14-18 -----

FOIA  
Clean Up Cont. (Professor) EX. 6

Date	Lecture	Reading
3/21	Imminent and Substantial Endangerments and Due Process	Readings from Farber To Be Assigned; Supplemental Reader
3/23	Natural Resource Damages	Readings from Farber To Be Assigned, Supplemental Reader

Deleted: pp. CERCLA § 106, RCRA §§ 3308 & 7003, CWA §§ 311(c) and (e), and 504, SDWA § 1431, CAA § 303

Deleted: 878-889

FOIA  
Pesticides (Professor) EX. 6

Date	Lecture	Reading
3/28	FIFRA's Cost/Benefit Approach	pp. 978-1000, Supplemental Reader

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Drinking Water (Professor) EX. 6

Date	Lecture	Reading
3/30	Feasibility Regulation and Drinking Water (SDWA)	p. 698; Supplemental Reader

Hazardous Waste Regulation (Professor) EX. 6

Date	Lecture	Reading
4/4	Introduction to RCRA	pp. 788-97
4/6	RCRA Regulatory Requirements; Defining a Hazardous Waste	pp. 798-813; 815-817; 829; 834-7

Regulation of Information Sharing (Professor) EX. 6

Date	Lecture	Reading
4/11	Community Right to Know (EPCRA)	pp. 1026-1032
4/13	California's Prop 65	Supplemental Reader

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Regulation of Toxics in Commerce (Professor) EX. 6

Date	Lecture	Reading
4/18	TSCA's Regulation of Toxics in Products	pp. 949-62, Supplemental Reader
4/20	TSCA's Regulation of PCBs, Asbestos and Lead	Supplemental Reader

Practical Argument (Professors <sup>FOIA</sup> ~~6/6~~ .1 and <sup>FOIA</sup> ~~6/6~~ .

Date	Lecture	Reading
4/25	Practical Argument Session	To Be Assigned



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

OFFICE OF THE  
REGIONAL ADMINISTRATOR

June 29, 2011

MEMORANDUM

FROM: Keith Takata   
Deputy Regional Administrator, Deputy Ethics Official  
U.S. Environmental Protection Agency, Region IX

TO: FOIA EX 6  
National Microbial Risk Assessment Expert  
U.S. Environmental Protection Agency, Region IX

SUBJECT: Permission to Participate in an Outside Activity

This is in response to your May 23, 2011 memorandum requesting approval for outside employment with the FOIA EX 6 Section of the Association (EX 6) Section of the EX 6, which is a 501(c)(3) professional educational organization. You are seeking a position as an elected officer of the EX 6 Section's Governing Board (one-year sequential terms as Section Vice-Chair, Chair-elect, Chair, and Past Chair), serving over a four-year period. Your duties will include strategic planning for the organization, oversight of EX 6 Section finances and legal matters, general direction of the EX 6 Section Executive Director. As Chair, you will preside at Governing Board meetings and generally supervise the Executive Director. The EX 6 Section of the EX 6 will not compensate you for your services, nor reimburse you for travel, per diem, conference registration, or other expenses.

The EX 6 Section of the EX 6 is not a subsidiary of the FOIA EX 6 Association (EX 6). Instead, FOIA EX 6 is an entirely separate nonprofit organization, which operates under separate leadership, financial and operational structures. You anticipate that your officer duties for the EX 6 Section of the EX 6 may overlap with your normal working hours at EPA approximately 8-10 days per year. Should this overlap occur, you will seek approved leave from your supervisor in order to perform your duties for the EX 6 Section of the EX 6. It will be left to your manager's discretion to approve annual or administrative leave to account for your absence from EPA. You and your manager should consult the Region 9 Human Resources Office to discuss the proper process for approving administrative leave in excess of one hour.

EPA's standards of conduct regulations at 5 C.F.R. § 6401.103(a)(4) require Government employees to obtain approval from their Deputy Ethics Official (DEO) before engaging in certain types of outside activities when the subject matter of the activity deals in significant part with the policies, programs or operations of EPA or any matter to which the employee presently is assigned or to which the employee has been assigned during the previous one-year period. As

FOIA  
stated in your memorandum, the ~~EXC~~ Section's principle activity is to provide education to professionals in the drinking water community. This includes utility and distribution system training, professional certification programs, continuing education classes, workshops, symposia and conferences, and on-line training. Given the nature of the ~~EXC~~ Section's programs and the historical relationship between the ~~EXC~~ Section of the ~~EXC~~ and EPA Region 9 employees, you are required to obtain DEO approval for this outside activity.

Based on the information in your memoranda and your discussions with Region 9's Ethics Attorney, Steven Jawgiel, I approve your request.

I recommend that you review the standards of conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activity. Please note in particular 5 C.F.R. §2635.702(b), which references 5 C.F.R. §2635.807(b). 5 C.F.R. §2635.702(b) prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another. However, 5 C.F.R. §2635.807(b) allows Government employees to include or permit the inclusion of their titles or positions as one of several biographical details when such information is given to identify Government employees in connection with a speaking engagement or writing activity so long as the Government title or position is given no more prominence than any other significant biographical detail.

As a current federal employee, you must remember you may not represent the interests of any other individual or outside organization back to EPA or any other federal agency or federal court. See 5 C.F.R. § 2635.801(d)(4) and 18 U.S.C. §§ 203 and 205.

You also must remember that you generally may not use EPA personnel or government property such as telephones, office supplies, or office machines to perform your duties for the ~~EXC~~ Section of the ~~EXC~~. Please see EPA Order 2101.0 regarding the limited personal use of Government equipment.

To avoid a conflict of interest or the appearance of a conflict, you generally should avoid working on any EPA projects that involve the ~~EXC~~ Section of ~~FOIA~~. Similarly, you should recuse yourself from all matters involving EPA while acting in your personal capacity as an elected official of the ~~FOIA~~ Section of ~~EXC~~. See generally, 5 C.F.R. §§2635.401 - 403 and 2635.501 - 502.

You should also note that 5 C.F.R. § 2635.703 restricts the unauthorized disclosure and use of EPA's non-public information for private purposes.

You also need to be mindful of the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950, which prohibit you from conducting fundraising activities on federal property outside of the Combined Federal Campaign (CFC). As a current federal employee, you also must be mindful about the Hatch Act, which prohibits you from fundraising on behalf of a current partisan political candidate or a partisan political party.

My approval is valid only for the above-referenced activity. This approval is valid for five (5) years from the date of this memorandum. It will be necessary for you to obtain your supervisors' approval if your outside activity requires any changes in your work schedules. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity.

Please call Assistant Deputy Ethics Official Steven L. Jawgiel at (415) 972-3876 if you have any questions.

cc: Employee's Official Ethics Files  
Alexis Strauss (Director, Water Division)  
Corine Li (Manager, Drinking Water Office)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

MEMORANDUM

From: FOIA EXEMPTION 6  
National Microbial Risk Assessment Expert  
Region IX

Through: Corine Li *Corine Li* 23 May 2011  
Manager, Drinking Water Office  
Region IX

To: Keith Takata  
Deputy Regional Administrator  
Deputy Ethics Official (DEO)  
Region IX

Date: May 23, 2011

Re: Request for Approval of Outside Employment

The purpose of this memorandum is to request approval for outside employment with the FOIA EXEMPTION 6 Section of the FOIA EXEMPTION 6 Association, a Section 501(c)(3) professional educational organization. Below is the information requested in 5 CFR § 6401.103 (b):

(1) I am FOIA EXEMPTION 6, PhD, Life Scientist (National Microbial Risk Assessment Expert), GS14.

(2) The position is as an elected officer of the EX 6 Section Governing Board (one-year sequential terms as Section Vice-Chair, Chair-elect, Chair, and Past Chair), serving over a four-year period. The duties would include strategic planning for the organization, oversight of Section finances and legal matters, and general direction of the Section Executive Director. The Chair specifically presides at Governing Board meetings and generally supervises the Executive Director. There is no compensation for this work, nor reimbursement for travel, per diem, conference registration, or other expenses. My expenses would be borne out of pocket.

(3) The organization is the FOIA EX 6 Section of the FOIA EXEMPTION 6 Association, a Section 501(c)(3) organization. Its principle activity is to provide education to

those in the professional drinking water community. This includes utility treatment and distribution system operator training, professional certification programs, continuing education classes, educational workshops, symposia and conferences, and on-line training. The Section has approximately 6200 members, and serves a professional community of about 20,000 water utility operators and 5000 associated professionals in engineering, laboratory, supply, academic and administrative roles. It currently has a paid staff of eight people and approximately 100 active volunteer leaders such as myself. As a 501(c)(3) organization, it does not lobby.

Please note that while the ~~EX 6~~ <sup>FOIA</sup> Section is one of 40-some sections of ~~FOIA EX 6~~ it is a separate organization, separately set up as a 501(c)(3) non-profit organization, with entirely separate leadership, financial and operational structures. It is not a subsidiary of ~~EX 6~~. As a member of the ~~EX 6~~ Section, I am a member of ~~EX 6~~, but members of ~~EX 6~~ are not automatically or necessarily members of the ~~EX 6~~ Section. My request is specific to being an officer of the ~~EX 6~~ Section of ~~FOIA EX 6~~.

(4) I expect that this activity may require as many as 10-15 days a year, of which 7-10 days would be spent attending committee meetings, and perhaps 3-5 days spent on associated (non-EPA) work. This is approximately my official time now spent with the ~~EX 6~~ Section.

(5) Depending on committee schedules, some of the time associated with meetings will be during my normal working hours. The history from my past activities and information from current officers suggests that this would be about 8-10 days a year.

(6) I have requested and been granted administrative time from my supervisor, Corine Li, to prepare for and attend meetings associated with this work. Otherwise, no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

(7) Volunteers in the ~~FOIA EX 6~~ Section are not compensated for their time or expenses. My expenses associated with this activity will be borne out of pocket. These expenses would include registration fees, transportation, lodging, meals and any other costs.

(8) I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102.

(9) The ~~EX 6~~ Section does not have any assistance agreements or contracts with EPA. I am not aware of any assistance agreements or contracts between EPA and ~~FOIA EX 6~~.

(10) As supplementary information for this request, the following is a review of my past participation with the ~~EX 6~~ Section and with the ~~FOIA EXEMPTION 6~~ Association.

I joined the ~~FOIA EXEMPTION 6~~ Association and became involved in the ~~EX 6~~ Section at the suggestion of my supervisor, Bill Thurston, shortly after beginning employment in EPA Region IX in 1989. At that time, there was substantial staff participation in official capacity from the drinking water programs of EPA Region IX and CA DPH. Bill encouraged me to attend committee meetings and conferences, meet other drinking water professionals, give talks

on EPA drinking water activities, and become informed on other aspects of drinking water. Over time, I began taking on committee leadership roles, which mostly involved organizing workshops and technical programs relating to EPA drinking water regulations and security. Because of my national regulatory activities with the Office of Groundwater and Drinking Water, and my drinking water R&D work, I similarly became involved with the national EXC. The preponderance of these activities has been associated with education; most of the rest has involved recognition and awards. These activities have been entirely done in my official capacity. A list of activities and dates follows.

FOIA EXEMPTION NO Section FOIA EXEMPTION NO association

Section Vice Chair, Executive Committee (2006-2007)  
Section Trustee, Governing Board (2003-2006)  
Water Quality Division Chair (2002-2003); Vice-chair (2001-2002); Secretary (2000-2001);  
Delegate-at-Large (1999-2000)  
Business Administration Division liaison (2004-2006)  
Section Awards Committee (2004-current); Chair (2008-current)  
Source Water Quality Committee (1994-current); Chair (1997-2000)  
Business Planning Committee; Chair (2005-2007)  
Research Committee (1992-current)  
Safe Drinking Water Act Committee (1993-current)  
Smaller Utilities Committee (1999-current)  
Communications Committee (1997-2007)  
Government Affairs Committee (1998-current)  
Membership Committee (2003-2007)  
Personnel Selection Committee (2005-2007)  
Security and Emergency Response Committee (2003-current)  
Top Ops Challenge Committee (2009-current)

FOIA EXC association

Public Affairs Council (2011-current)  
Regulatory Agencies Division/Regulatory Agencies Workgroup  
Vice-chair (2001-2007); Trustee (1999-current)  
Water Science and Research Division  
Vice-chair (2003-2006); Trustee (2000-2007)  
AP Black Award Committee (2000-2007)  
Health Effects Research Committee (1992-current);  
Chair (1997-2000)  
Academic Achievement Award Committee (2009-current)  
Disinfection Systems Committee (1997-2003);  
Vice-chair (1999-2000, 2001-2003)  
Emerging Water Quality Issues Committee (2008-current)  
Emergency Response and Security Committee (2003-current)  
Biological Drinking Water Treatment Committee (2010-current)

(11) In terms of institutional relationships, and activities of others within EPA, EPA's Office of Groundwater and Drinking Water works with \_\_\_\_\_ as a representative of the professional

drinking water community in a similar manner to OGWDW's interactions with National Rural Water Association, Association of Municipal Water Agencies, National Association of Water Companies and other such groups. EXC A staff and volunteers attend briefings, provide technical information, provide nominees for EPA Advisory Committees, invite OGWDW representatives to attend their meetings, and otherwise discuss common matters. Some EPA Office of Research and Development staff are active in EXC and their local Sections much like me, by chairing committees, organizing technical sessions, and giving talks. With respect to the EXC Section, others in EPA Region IX participate from time to time in a similar fashion.

(12) I have always been sensitive to the possible ethical issues and the public perception regarding my involvement as an EPA employee with organizations whose members, in part, are those regulated at some level by EPA. (In EXC and EXC, state drinking water programs have primacy for regulatory enforcement, so EPA's involvement is generally secondary. My participation in regulatory development is technical, not decisional.) I've never represented the EXC Section or the national EXC to EPA or any other federal or state agency. I haven't used my EPA office to financially benefit the EXC Section, EXC or myself. With respect to perception, while my professional colleagues within these organizations certainly know that I work at EPA, I am known for my technical expertise. That said, my intention if selected as a EXC Section officer is to refrain from providing talks or commentary on EPA activities.

I greatly appreciate your consideration and assistance with this matter. Please feel free to contact me a EXC with any questions.

cc: Alexis Strauss (Director, Water Division)  
Steven Jawgiel (Assistant Regional Counsel/Assistant Deputy Ethics Official)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

August 17, 2011

MEMORANDUM

FROM: Keith Takata *Keith Takata*  
Deputy Regional Administrator, Deputy Ethics Official  
U.S. Environmental Protection Agency, Region IX

TO: *FOIA Exemption*  
Environmental Scientist, Section Chief, Superfund Division  
U.S. Environmental Protection Agency, Region IX

SUBJECT: Permission to Participate in Outside Activities

This is in response to your memorandum, received by the Office of Regional Counsel on August 15, 2011, which requests permission to work as an adjunct professor at the University of *FOIA Ex. 6*. You will be teaching one course during the Fall 2011 quarter. The course addresses background information related to emergency response, planning and preparedness. You will only use materials that exist in the public domain and you will not disclose any EPA information deemed "nonpublic" under 5 C.F.R. § 2635.703. Your teaching activity will require approximately 50 hours, which you will perform entirely outside of normal EPA duty hours. The University of *FOIA Ex. 6* will pay you approximately *Ex. 6* for teaching this one-time course.

EPA's standards of conduct regulations at 5 C.F.R. § 6401.103(a)(4) require Government employees to obtain approval from their Deputy Ethics Official (DEO) before engaging in certain types of outside activities that involve consulting services or when the subject matter of the activity deals in significant part with the policies, programs or operations of EPA or any matter to which the employee presently is assigned or to which the employee has been assigned during the previous one-year period. Pursuant to exception (3)(i)(A), an employee may teach a course that is related to her official duties if the course is offered as part of a regularly established curriculum at an institution of higher education. Your request is covered by this exception. Therefore, based on the information in your memoranda, I approve your request.

I recommend that you review the standards of conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activity. Please note in particular 5 C.F.R. §2635.702(b), which references 5 C.F.R. §2635.807(b). 5 C.F.R. §2635.702(b) prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another. However, 5 C.F.R.

§2635.807(b) allows Government employees to include or permit the inclusion of their titles or positions as one of several biographical details when such information is given to identify Government employees in connection with a speaking engagement or writing activity so long as the Government title or position is given no more prominence than any other significant biographical detail.

Furthermore, you must not represent the University of ~~FOIA EX 6~~ or any other individual or outside organization in dealings with EPA, with any other federal agency, or with any federal court. See 5 C.F.R. § 2635.801(d)(4) and 18 U.S.C. §§ 203 and 205. Likewise, you should generally avoid working on any EPA projects that involve the University of ~~EX 6~~. See generally, 5 C.F.R. §§2635.401 - 403 and 2635.501 - 502.

Again, you must pay particular attention to 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes.

You also need to be mindful of the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950. You particularly need to make sure that your activities are not being performed in association with a fundraising event.

You are also reminded that under the general standards of conduct regulations in Part 2635 you must undertake outside employment activities only on your own time (including duly approved annual leave or compensatory time), away from EPA premises, and without the use of any government personnel or government property such as telephones, office supplies, or office machines.

My approval is valid only for the above-referenced activity. It will be necessary for you to obtain your supervisors' approval if your outside activity requires any changes in your work schedules. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity.

Please call Assistant Deputy Ethics Official Steven L. Jawgiel at (415) 972-3876 if you have any questions.

cc: Employee's Official Ethics Files  
Steven Jawgiel (ORC-2)

MEMORANDUM

**To:** Keith Takata, Assistant Regional Administrator, Deputy Ethics Official  
**Through:** Jane Diamond, Director, Superfund Division  
**Through:** Daniel Meer, Assitant Director, Superfund Division  
**From:** FOIA EXEMPTION Emergency Response Section 46  
**Subject:** Prior approval for outside employment.

I have been offered a position as an adjunct professor at the University of FOIA EXEMPTION 6  
This memo serves as my official request for prior approval for outside employment as required under 5 CFR § 6401.103 and includes the following responses to the substantive elements (1-8) listed in § 6401.103(b).

- (b)(1) This request for approval is for FOIA EX 6; Environmental Scientist, Chief, Emergency Response Section, GS-14.
- (2) As an adjunct professor, I would teach one course during the \_\_\_ Fall 2011 quarter beginning August 2011 and ending October 2011. The time period will include 4 alternating Saturdays during that time. The course will present background information on Emergency Response, Planning and Preparedness. No agency confidential or pre-decisional information will be presented. Material will come from the scientific literature and the public record only. I expect to receive no more than EX-6 in remuneration for this one-time course.
- (3) This work will be performed for:
- University of FOIA EX 6  
Environmental Science Department  
FOIA EXEMPTION 6  
FOIA EXEMPTION 6  
FOIA EXEMPTION 6
- (4) Approximately, 50 hours will be devoted to this employment activity.
- (5) The activity will be performed entirely outside of normal duty hours and will not interfere with standby duty or other Emergency Response Section duties. No absence from work will be required.
- (6) This document shall serve as my official statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

- (7) The basis for this compensation is per annum.
- (8) This document shall serve as my statement that I am familiar with and will abide by the restrictions described in 5 CFR part 2635 and § 6401.102.

Should any change in the nature or scope of these duties occur, I will submit a revised request for approval. Thank you for your attention to this matter.

FOIA EX 6  
Emergency Response Section

FOIA EX 6



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

October 4, 2011

MEMORANDUM

FROM:

*Nancy J. Marvel*  
Nancy Marvel

Regional Counsel, Deputy Ethics Official (ORC)  
U.S. Environmental Protection Agency, Region IX

TO:

FOIA EX. 6  
Senior Counsel

U.S. Environmental Protection Agency, Region IX

SUBJECT: Permission to Participate in an Outside Activity

This is in response to your September 29, 2011 memorandum requesting approval to participate in an outside activity as an attorney for your personal friend. You plan to represent FOIA EX. 6 at an upcoming deposition and may provide him legal counsel post-deposition. FOIA EX. 6 is a witness in a private matter currently being litigated in federal district court. Neither FOIA EX. 6 nor the United States is a party in this litigation. Although your original memorandum states you might accept plane fare from FOIA EX. 6, you subsequently stated that you will not accept the plane fare or any other type of compensation for your legal services. You estimate this activity will take approximately 24-48 hours to perform. This activity will be performed entirely outside of your normal EPA duty hours. You estimate you will need to take 1-2 days of annual leave to perform the outside attorney duties.

EPA's standards of conduct regulations at 5 C.F.R. § 6401.103(a)(4) require EPA employees to obtain approval from their Deputy Ethics Official (DEO) before engaging in certain types of outside activities when the subject matter of the activity involves the practice of a profession. You are subject to the standards set forth in 5 C.F.R. § 6401.103 because you will be providing attorney services to your personal friend.

Based on the information in your memoranda and your discussions with Region 9's Ethics Attorney, Steven Jawgiel, I approve your request.

I recommend that you review the standards of conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activity. Please note in particular 5 C.F.R. §2635.702(b), which references 5 C.F.R. §2635.807(b). 5 C.F.R. §2635.702(b) prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another. However, 5 C.F.R.

§2635.807(b) allows Government employees to include or permit the inclusion of their titles or positions as one of several biographical details when such information is given to identify Government employees in connection with a speaking engagement or writing activity so long as the Government title or position is given no more prominence than any other significant biographical detail.

As a current federal employee, you must remember you generally may not represent the interests of any other individual or outside organization back to EPA or any other federal agency or federal court. See 5 C.F.R. § 2635.801(d)(4) and 18 U.S.C. §§ 203 and 205. However, these ethics law will not apply to your situation because you will not be receiving compensation for your legal services and because the United States is not a party to the litigation.

You must remember that you generally may not use EPA personnel or government property such as telephones, office supplies, or office machines to perform your outside attorney duties. Please see EPA Order 2101.0 regarding the limited personal use of Government equipment for these purposes.

Although this will likely not be an issue, you should also note that 5 C.F.R. § 2635.703 restricts the unauthorized disclosure and use of EPA's non-public information for private purposes.

My approval is valid only for the above-referenced activity. This approval is valid for one (1) years from the date of this memorandum. It will be necessary for you to obtain your supervisors' approval if your outside activity requires any changes in your work schedules. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity.

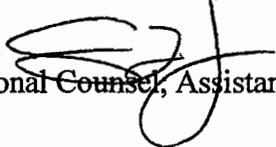
Please call Assistant Deputy Ethics Official Steven L. Jawgiel at (415) 972-3876 if you have any questions.

cc: Employee's Official Ethics File



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

October 4, 2011

FROM: Steven Jawgiel   
Assistant Regional Counsel, Assistant Deputy Ethics Officer, Region IX

TO: Nancy Marvel  
Regional Counsel, Deputy Ethics Official, Region IX

SUBJECT: ~~FOIA~~ ~~EXEMPTIONS~~ Outside Activity Request

Nancy,

~~FOIA~~ ~~EX~~ outside activity request is in order and meets all the requirements set forth in 5 C.F.R. §6401.103. The enclosed approval memorandum sets forth the restrictions that must remember while engaging in this outside activity.

Enclosed are ~~FOIA~~ ~~EX~~ original request and draft approval memorandum for your review and signature. Please let me know if you have any questions.

Thanks.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

**MEMORANDUM**

From: FOIA EX 6  
Senior Counsel  
Region IX  
GS-15

To: Nancy Marvel  
Regional Counsel  
Deputy Ethics Official  
Region IX

Date: September 29, 2011

Re: Request for Approval of Outside Employment or Activities

The purpose of this memorandum is to request approval for outside employment with FOIA EXEMPTIBLE 316, a private individual and personal friend. Below is the information requested in 5 CFR § 6401.103 (b):

(1) *Employee's name, title and grade:* FOIA EX 6, Senior Counsel, GS-15

(2) *Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:* The outside activity is to represent FOIA EX 6 at a deposition and provide advice in preparation for and possibly post-deposition. FOIA EX 6 is not a party to the litigation in question, but signed a non-disclosure agreement with the defendant related to business activities that are implicated in the litigation. The non-disclosure agreement limits what he can say at the deposition and what, if any, documents he can produce. He could be exposed to a claim that he violated the non-disclosure agreement if these issues are not handled properly. I would not receive any compensation for this work, but FOIA EX 6 may pay for my plane fare to Los Angeles, where the deposition is scheduled to occur, and I may stay with him and his wife while in Los Angeles if it is necessary for me to be there overnight.

(3) *The name and business of the person or organization for which the work will be done (in case of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):* The work will be done for FOIA EXEMPTIBLE 316, a private individual and a personal friend. FOIA EX 6 works within the motion picture and television industries. He has worked in various capacities within these industries, as a producer, director, cinematographer and visual effects supervisor. He is also a professional photographer whose work is exhibited as fine art; his work has included portraits of

world leaders and persons of renown, including President Clinton and the Dalai Lama. He occasionally becomes involved ad hoc in various business development ventures. It was one such venture that gave rise to the lawsuit for which he has been subpoenaed to appear at a deposition.

(4) *The estimated time to be devoted to the activity:* 24-48 hours.

(5) *Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from the work required):* The service will be performed entirely outside of normal duty hours. I estimate an absence from work of 1-2 days.

(6) *The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment:*

No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

(7) *The basis for compensation:* There will be no compensation involved. FOIA Ex. 6 may pay for my plane fare to Los Angeles and I may stay with him and his wife while in Los Angeles.

(8) *The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102:* I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102.

(9) *An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided:* No EPA assistance agreements or contract are held by FOIA EXEMPTION 6

I greatly appreciate your consideration and assistance with this matter. Please feel free to contact me at FOIA Ex 6 with any questions.

FOIA EXEMPTION 6

FOIA Ex 6

September 29, 2011

Date

cc: Steven L. Jawgiel (Assistant Regional Counsel/Assistant Deputy Ethics Official)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

October 14, 2011

MEMORANDUM

FROM: *Nancy J. Marvel*  
Nancy Marvel  
Regional Counsel, Deputy Ethics Official,  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region IX

TO: *FOIA EXEMPTION 6*  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region IX

SUBJECT: Permission to Participate in an Outside Activity

This is in response to your October 12, 2011 memorandum requesting approval to participate in an outside activity to conduct a presentation at *FOIA EXEMPTION 6* Stormwater Conference on November 3, 2011. *FOIA EXEMPTION 6* is a private, for profit company that organizes conferences and seminars for lawyers, business executives, consultants and government officials in a variety of areas, including, but not limited to, energy, environmental, land use, planning and litigation. You will need to devote approximately 8 hours prep time and travel time to this conference. You will be performing your outside activity entirely on your own time, outside of your normal EPA duty hours. You will not receive compensation for your services.

EPA's standards of conduct regulations at 5 C.F.R. § 6401.103(a)(4) require Government employees to obtain approval from their Deputy Ethics Official (DEO) before engaging in certain types of outside activities when the subject matter of the activity deals in significant part with the policies, programs or operations of EPA. You are subject to the standards set forth in 5 C.F.R. § 6401.103 because you will be engaged in the practice of a profession as defined in 5 CFR 2636.305(b)(1).

Based on the information in your memoranda and your discussions with Region 9's Ethics Attorney, Beatrice Wong, I approve your request.

I recommend that you review the standards of conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activity. Please note in particular 5 C.F.R. §2635.702(b), which references 5 C.F.R. §2635.807(b). 5 C.F.R. §2635.702(b) prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government

sanction employees' personal activities or the activities of another. However, 5 C.F.R. §2635.807(b) allows Government employees to include or permit the inclusion of their titles or positions as one of several biographical details when such information is given to identify Government employees in connection with a speaking engagement or writing activity so long as the Government title or position is given no more prominence than any other significant biographical detail.

You also must remember that you generally may not use EPA personnel or government property such as telephones, office supplies, or office machines to perform your duties for the FFCC. Please see EPA Order 2101.0 regarding the limited personal use of Government equipment for these purposes.

You should also note that 5 C.F.R. § 2635.703 restricts the unauthorized disclosure and use of EPA's non-public information for private purposes.

My approval is valid only for the above-referenced activity. This approval is valid for five (5) years from the date of this memorandum. It will be necessary for you to obtain your supervisors' approval if your outside activity requires any changes in your work schedules. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity.

Please call Assistant Deputy Ethics Official Steven L. Jawgiel at (415) 972-3876 or Beatrice Wong at (415) 947-3574 if you have any questions.

cc: Employee's Official Ethics Files



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

MEMORANDUM

To: Nancy Marvel  
Regional Counsel  
Deputy Ethics Official  
Region IX

From: FOIA EXC  
Office of Regional Counsel EXC  
Region IX

Date: October 12, 2011

Re: Request for Approval of Outside Employment or Activities: Presentation at Law  
Seminars International's Southern California Stormwater Conference

The purpose of this memorandum is to request approval for outside employment. Below is the information requested in 5 CFR § 6401.103(b):

(1) **Employee name, title, and grade:** FOIA EXC, Assistant Regional Counsel, GS-14.

(2) **Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:** I am seeking approval to conduct a 30 minute presentation on "Federal Stormwater Enforcement" at a FOIA EXEMPTION 3 conference in EXC go on November 3, 2011. This employment opportunity will be performed outside of my normal duties as an assistant regional counsel at EPA, Region IX's office of regional counsel ("ORC"). I will be presenting a ½-hour overview of federal stormwater enforcement that will primarily consist of a broad-based review of latest stormwater admin decisions in Southern California (e.g., In re American Marine Corp. March 2010 CA/FO w/ SEP, references to availability of applicable guidance and policy materials (i.e., 1995 Penalty Policy; the 1998 SEP Policy); the new ECHO on-line database; and the current EPA water enforcement national priorities list at <http://www.epa.gov/compliance/civil/cwa/cwaenfpriority.html>). All material presented will be from the public record, i.e., you could find it via Google.

It will be made very clear that I am not speaking for the Agency during this presentation.

No salary will be provided.

The ~~EXC~~ Conference scheduled for November 3 will have a broad range of lawyers and public agency and non-profit organization staff speaking and attending, including other government counsel (e.g., Chief Counsel for CA EPA State Water Resources Control Board; several executive officers from the southern California regional water quality control boards); non-profit counsel and staff, ~~FOIA EXC~~ LLP; the Executive Director of Santa Monica Baykeeper); and private counsel from southern California law firms.

I do not have an attendee list at this time, but I understand from the ~~EXC~~ Conference organizer, and past participants, that the audience will also include a broad range of lawyers and public agency and non-profit staff.

(3) **The name and business of the person or organization for which the work will be done:** ~~FOIA EXEMPTION 6~~ - a private for-profit company, established in 1981 and incorporated in Washington. Internet database research shows this company has an annual revenue of \$1,500,000 and employs a staff of approximately 17. According to Bloomberg Businessweek database, ~~EXC~~ performs the following services:

~~FOIA EXC~~ organizes conferences and seminars for lawyers, business executives, consultants, and government officials. It organizes two-day comprehensive conferences, one-day intensive workshops, and interactive teleconferences in the areas of life sciences, corporate structure, energy, environmental, intellectual property, land use, planning, litigation, local government, real estate, technology, and telecommunications.<sup>1</sup>

More information on this organization is available at [www. ~~FOIA EXEMPTION 6~~](http://www.<del>FOIA EXEMPTION 6</del>)

(4) **The estimated time to be devoted to the activity:** Eight hours prep time and travel time.

(5) **Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from the work required):** November 3, 2011 is a Thursday. I intend to either change my work-schedule to make it on my compressed day off or use annual leave to take that time off. I will also prepare the PowerPoint presentation outside my normal working hours.

(6) **The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment:** No official duty time or government property, resources, or facilities not available to the general public will be used in connection with this outside work.

(7) **The basis for compensation:** None. (Note: as speaker I am able to attend the conference, which regularly costs \$695.00 to attend, for free.) No travel will be compensated.

(8) **Employee statement:** I state that I have read, and am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102. In particular, I will identify myself not only as an attorney with the EPA, but also as adjunct faculty with ~~FOIA EXC~~ University School of Law (subject of Permission to Participate in Outside Activities, dated Dec. 14, 2010;

<sup>1</sup> [~~FOIA EXEMPTION 6~~](http://investing.businessweek.com)

which I hope to renew for upcoming Spring Semester); and as current Chair of the Planning Commission for the City of ~~EX 6~~ (subject if April 13, 2007 Permission to Participate in Outside Activities).

In addition, although I am attending this conference on my own time, it should have the ancillary benefit of providing me valuable perspectives on stormwater enforcement from private counsel, non-profit staff, and State counsel and staff located in southern California.

(9) *An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provide:* I am not aware of any EPA assistance agreements or contracts held by ~~EX 6~~

I greatly appreciate your consideration and assistance with this matter. Please feel free to contact me at ext. ~~EX 6~~ with any questions.

~~FOIA EXEMPTION 6~~

~~FOIA EXEMPTION 6~~

October 12 2011

cc: Beatrice Wong (Assistant Regional Counsel/Assistant Deputy Ethics Official)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

March 6, 2012

MEMORANDUM

From: *Nancy J. Marvel*  
Nancy Marvel  
Regional Counsel, Deputy Ethics Official  
U.S. Environmental Protection Agency, Region IX

To: *FOIA*  
*EXEMPTION 6*  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region IX

Subject: Permission to Participate in Outside Activities

This is in response to your February 27, 2012 memorandum requesting permission to participate in a roundtable discussion with students and professors in the Department of Environmental Management at *EX. 6* University. The two hour roundtable discussion will include conversations about EPA's work with State/local environmental agencies and a basic overview of EPA's regulation of fine particulates (PM2.5). This will be a onetime event. You will not be compensated for participating in this activity. You will participate in your personal capacity on your own time.

EPA's standards of conduct regulations at 5 C.F.R. § 6401.103(a) require Government employees to obtain approval from their Deputy Ethics Official (DEO) before engaging in outside activities that deal in significant part with the policies, programs or operations of EPA or any matter to which the employee presently is assigned to which the employee has been assigned during the previous one year period.

Based on the information in your memorandum, I approve your request.

5 C.F.R. §2635.807(a)(3) allows federal employees to teach courses that relate to their official Government duties so long as the course is taught as part of a regularly established curriculum of an institution of higher education. This regulation even allows federal employees to accept compensation for such activities. Your proposed activity meets the criteria set forth in 5 C.F.R. §2635.807(a)(3).

I recommend that you review the standards of conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. §2635.702(b), which references 5 C.F.R. §2635.807(b). 5 C.F.R. §2635.702(b) prohibits Government employees from using or

permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another. However, 5 C.F.R. §2635.807(b) allows Government employees to include or permit the inclusion of their titles or positions as one of several biographical details when such information is given to identify Government employees in connection with a speaking engagement so long as the Government title or position is given no more prominence than any other significant biographical detail.

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes.

You also need to be mindful of the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950. You particularly need to make sure that your activities are not being performed in association with a fundraising event.

You are also reminded that under the general standards of conduct regulations in Part 2635 you must undertake outside employment activities only on your own time (including duly approved annual leave or compensatory time), away from EPA premises, and without the use of any government personnel or government property such as telephones, office supplies, or office machines.

My approval is valid for the above-referenced activity and shall be valid for this specific activity. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity.

Please call Steven L. Jawgiel, Assistant Deputy Ethics Official, at (415) 972-3876 if you have any questions.

cc: Employee's Ethic File  
Steven Jawgiel (Assistant Regional Counsel, Deputy Ethics Official, EPA Region IX)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

**MEMORANDUM**

From:

Assistant Regional Counsel  
Region IX  
GS-14

To:

Nancy Marvel  
Regional Counsel  
Deputy Ethics Official  
Region IX

Date: February 27, 2012

Re: Request for Approval of Outside Employment or Activities

The purpose of this memorandum is to request approval for an outside activity at \_\_\_\_\_ University in \_\_\_\_\_. Below is the information requested in 5 CFR § 6401.103 (b):

(1) **Employee's name, title and grade:** \_\_\_\_\_; Assistant Regional Counsel, GS-14

(2) **Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:** Short roundtable discussion with students and professors in the Department of Environmental Management at \_\_\_\_\_ University about EPA's work with State/local environmental agencies and a basic overview of our regulation of fine particulates (PM2.5). I will not receive any compensation for this activity.

(3) **The name and business of the person or organization for which the work will be done (in case of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):** \_\_\_\_\_ University, Department of Environmental Management

(4) **The estimated time to be devoted to the activity:** 2 hours.

(5) **Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from the work required):** Yes, during personal vacation time.

(6) **The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside**

*employment:* No official duty time or government property, resources, or facilities not available to the general public will be used in connection with this outside employment.

(7) *The basis for compensation:* None.

(8) *The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102:* I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102.

(9) *An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided:* None.

I greatly appreciate your consideration and assistance with this matter. I have spoken with my manager (Nina Spiegelman) about this request. Please feel free to contact me at ~~FOIA exemption~~ with any questions today (Monday, 2/27), or by e-mail at ~~FOIA EXC~~ @gmail.com after today, as I will be checking my e-mail from overseas. Thank you.

FOIA EXEMPTION

(Your Name)

2/27/12  
Date

cc. Steven L. Jawgiel (Assistant Regional Counsel/Assistant Deputy Ethics Official)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

February 13, 2013

MEMORANDUM

From:

*Nancy J. Marvel*  
Nancy Marvel  
Regional Counsel, Deputy Ethics Official  
U.S. Environmental Protection Agency, Region IX

To:

FOIA EXEMPTIONS  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region IX

Subject:

Permission to Participate in an Outside Activity

This is in response to your February 6, 2013 memorandum requesting permission to co-teach a class on the Clean Water Act at the 9<sup>th</sup> Annual FOIA EXEMPTIONS Institute's FOIA EX np for Environmental Law. The class will take place during normal work hours on March 13, 2013. You will prepare your presentation outside of your normal work hours. You will need to take approved annual leave to perform this activity. ELI is not compensating you for your services.

5 C.F.R. § 6401.103(a) requires EPA employees to obtain approval from their Deputy Ethics Official (DEO) before engaging in certain outside activities. Based on the information in your memorandum, I approve your proposed outside activity.

5 C.F.R. §2635.807(a) generally prohibits a federal employee from receiving compensation from any source other than the Government for teaching that relates to the employee's official duties. However, 5 C.F.R. §2635.807(a) does not apply to your proposed activity because you will not be receiving compensation for your services. Nonetheless, you must be mindful of other applicable ethics rules when performing this outside activity.

I recommend you review the standards of conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activity. Please note 5 C.F.R. §2635.702(b), which references 5 C.F.R. §2635.807(b). 5 C.F.R. §2635.702(b) prohibits a Government employee from using or permitting the use of her title, Government position, or any authority associated with her public office in a way that could reasonably be construed to imply EPA or the Government sanctions the employee's personal activities or the activities of another. 5 C.F.R. §2635.807(b) allows a Government employee to include or permit the inclusion of her title or position as one of several biographical details (one of at least three details) when such information is given to identify the employee in connection with a speaking engagement. The employee may not give her Government title or position more

prominence than any of the other significant biographical details. If you reference your EPA position or title while participating in this outside activity, I strongly recommend you provide a disclaimer, which clearly states you are participating in your personal capacity and not in your EPA capacity.

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes.

You also need to be mindful of the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950. You particularly need to make sure your activities are not being performed in association with a fundraising event.

You are also reminded the general standards of conduct regulations in Part 2635 require that you undertake your outside activity only on your own time (including duly approved annual leave or compensatory time), away from EPA premises, and without the use of any Government personnel or Government property such as telephones, office supplies, or office machines.

My approval is only valid for the above-referenced activity. Please note 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity.

Please call Steven L. Jawgiel, Assistant Deputy Ethics Official, at (415) 972-3876 if you have any questions.

cc: Employee's Ethics File  
Steven Jawgiel (Assistant Regional Counsel, Deputy Ethics Official, EPA Region IX)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

**MEMORANDUM**

From: FOIA EX 6  
Attorney-Advisor  
Region IX  
GS-15

To: Nancy Marvel  
Regional Counsel  
Deputy Ethics Official  
Region IX

Date: February 6, 2013

Re: Request for Approval of Outside Employment or Activities

The purpose of this memorandum is to request approval for outside employment with the FOIA EX 6. Below is the information requested in 5 CFR § 6401.103 (b):

(1) FOIA EXEMPTION 6, Attorney-Advisor, GS-15

(2) I have been asked to co-teach a class on the Clean Water Act with \_\_\_\_\_ of Region 10 for the FOIA EXEMPTION 6 \_\_\_\_\_ np for Environmental Law. I do not expect any compensation for this activity.

(3) The FOIA EXEMPTION 6 \_\_\_\_\_

(4) The class is scheduled for a 3 hour time period and will likely require an hour or two of preparation.

(5) The 3 hour class will take place during work hours on March 13, 2013 at the offices of Elle Elle in FOIA EX 6. My time for preparation will take place outside of normal work hours.

(6) I will not be using any official duty time or Government property, resources or facilities not available to the general public in connection with teaching this course.

(7) *The basis for compensation:* There is no compensation for this course.

(8) *The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102:*

(9) *An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided:*

I greatly appreciate your consideration and assistance with this matter. Please feel free to contact me at ~~EXG~~ or ~~FOIA EX G~~ with any questions.

FOIA EXEMPTION 6

FOIA EX. 6

2/6/13

Date

cc: Steven L. Jawgiel (Assistant Regional Counsel/Assistant Deputy Ethics Official)

# FOIA EXEMPTION 6

FOIA EX. 6

Environmental Law®

## Agenda

March 13-15, 2013

### Day 1 (Wednesday, March 13<sup>th</sup>)

Breakfast and Registration

Welcome and Introduction to Boot Camp

FOIA EXEMPTION 6

Clean Air Act

FOIA EX. 6

Break

Clean Air Act - Continued

Lunch

Climate Change

FOIA EX. 6

Break

Clean Water Act

FOIA EX. 6 - US EPA

FOIA EX. 6 - US EPA

Break

Clean Water Act - Continued

Reception

### Day 2 (Thursday, March 14<sup>th</sup>)

Breakfast

Chemical Regulation: TSCA, FIFRA, & Transportation Regulations

FOIA EX. 6

Break

Comprehensive Environmental Response, Compensation, and Liability Act

FOIA EX. 6

Lunch



Resource Conservation and Recovery Act

FOIA EXC 6 LP

Break

Environmental Enforcement

FOIA EXEMPTION 6

Day 3 (Friday, March 15<sup>th</sup>)



Breakfast

Environmental Liabilities in Business Transactions

FOIA EXEMPTION 6

Break

Ethics in Environmental Law

FOIA EXEMPTION 6

Lunch

Project Development

FOIA EXEMPTION 6

Break

Project Development - Continued

Conclusion to Boot Camp

FOIA EXEMPTION 6



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION IX  
 75 Hawthorne Street  
 San Francisco, CA 94105

MEMORANDUM

From: Robert Moyer *Robert G. Moyer*  
 Acting Regional Counsel/Acting Deputy Ethics Official

To: FOIA EX-6  
 Assistant Regional Counsel

Date: APR 29 2013

Subject: Request to Participate in Outside Activity

This is in response to your April 23, 2013 memorandum requesting approval to participate in an outside activity with the FOIA EX-6 Trust as a member of their Board of Directors. Your duties will include supporting and governing the Trust, serving as an ambassador to the community, fundraising, selecting an Executive Director, and overseeing the Executive Director's performance. The FOIA EX-6 is a 501(c)(3) nonprofit corporation. Your proposed activity will be performed outside of duty hours and will not interfere with your EPA time commitments. You will not use any Government property, resources, or facilities to perform your Board duties. The Trust will not compensate you for your services.

Trust as a member of their Board of governing the Trust, serving as an in Executive Director, and overseeing the is a 501(c)(3) nonprofit outside of duty hours and will not not use any Government property, The Trust will not compensate you for your

EPA's ethics regulations at 5 C.F.R. §6401.11 require employees to obtain administrative approval before engaging in certain types of outside activities, including serving as a board member. During the approval process, the Agency must consider 5 C.F.R. §§2635.401, .501, and .502, which ensure that federal employees take appropriate steps to avoid conflicting financial interests and a loss of impartiality in the performance of employees' official duties. In sum, these regulations prohibit an employee from participating in a particular matter involving specific parties where the employee knows that her participation in the matter is likely to have a direct and predictable effect on the financial interest of a person or organization with which she has a covered relationship. Additionally, you must keep the following principles in mind when performing your outside activities:

require employees to obtain es of outside activities, including serving Agency must consider 5 C.F.R. employees take appropriate steps to avoid in the performance of employees' official from participating in a particular matter hat her participation in the matter is likely interest of a person or organization with u must keep the following principles in

1. You must make sure your Board activities are not construed as implying an official EPA sanction or endorsement of personal activities or Board activities. See 5 C.F.R. §§2635.702(b) and (c). Therefore, you should not use your EPA title in conjunction with your Board activities.

Board activities. See 5 C.F.R. your EPA title in conjunction with your

2. Also, 5 C.F.R. §2635.703 prohibits you from disclosing non-public EPA information in the course of your outside activity.

disclosing non-public EPA information

3. You must not represent the Trust in dealings with EPA or any other entity of the Federal Government. See 5 C.F.R. §2635.801(d)(4) and 18 U.S.C. §§ 203 and 205.

4. You must avoid working on any EPA projects that involve the Trust. See 5 C.F.R. §§2635.401-403 and 2635.501-502.

Based on aforementioned considerations, I approve your request to serve on Trust Board of Directors. This approval will be in effect for three (3) years from the date of your appointment. At that time, you will need to submit another written request to renew your approval for this activity. Please keep in mind that 5 C.F.R. §6401.103(d) requires you to submit a revised request to me for administrative approval if there is a change in the nature or scope of the duties or services performed in your outside activities.

Please call Steven Jawgiel, Assistant Regional Counsel/Assistant Deputy Ethics Official, at (415) 972-3876 if you have any questions.

cc: Steven Jawgiel (Assistant Regional Counsel/Assistant Deputy Ethics Official)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

**MEMORANDUM**

From: FOIA EXEMPTION 6  
Assistant Regional Counsel  
Region IX  
GS-15

To: Robert Moyer  
Acting Regional Counsel  
Deputy Ethics Official  
Region IX

Date: 23 April 2013

Re: Request for Approval of Outside Employment or Activities

The purpose of this memorandum is to request approval for outside employment with FOIA EX. 6 Trust Board. Below is the information requested in 5 CFR § 6401.103 (b):

**(1) Employee's name, title and grade:**

FOIA EX. 6, Assistant Regional Counsel, GS-15

**(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:**

I am seeking appointment to the Board of Directors of the FOIA EX. 6 Trust. The Board of Directors supports and governs the Trust. Generally, the Members of the Board of Directors act as ambassadors to the community, bring in contact and are involved in fundraising for the Trust. The Members also select the Trust's Executive Director, oversee the Executive Director's performance and evaluate the work of the Trust. The Members of the Board of Directors are volunteers and receive no compensation.

**(3) The name and business of the person or organization for which the work will be done (in case of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):**

The FOIA EX. 6 Trust is a 501(c)(3) nonprofit operating association that supports the FOIA EXEMPTION 6 at National Historical Park in FOIA EXEMPTION 6. The Trust partners with business, labor and the public to preserve the Park's historic resources

and sites, support visitor education and enjoyment, and articulate the important stories of the FOIA EX 6 it for people in the FOIA EX 6 and across the United States.

**(4) The estimated time to be devoted to the activity:**

Service on the FOIA EX 6 Trust Board will entail several hours of Board and Committee meetings per month.

**(5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from the work required):**

I anticipate that my work with the FOIA EXEMPTION Trust Board will be performed entirely outside of normal duty hours.

**(6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment:**

No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with my work with the FOIA EXEMPTION Trust Board.

**(7) The basis for compensation:**

The Members of the Board of Directors are volunteers and receive no compensation.

**(8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102:**

I have reviewed the restrictions described in 5 C.F.R. Part 2635 and Section 6401.102. I understand and will abide by such restrictions.

**(9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided:**

Neither the FOIA EX 6 Trust nor the FOIA EXEMPTION National Historic Park have any assistance agreements or contracts with the U.S. Environmental Protection Agency.

I greatly appreciate your consideration and assistance with this matter. Please feel free to contact me at FOIA EX 6 with any questions.

FOIA EX 6

23 Apr 2013  
Date

cc: Steven L. Jawgiel (Assistant Regional Counsel/Assistant Deputy Ethics Official)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION IX  
 75 Hawthorne Street  
 San Francisco, CA 94105

**MEMORANDUM**

From: Robert Moyer *Robert Moyer*  
 Acting Regional Counsel/Acting Deputy Ethics Official

To: FOIA EX 6  
 Acting Deputy Regional Counsel

Date:

Subject: Request for Approval to Participate in an Outside Activity

This is in response to your memorandum requesting approval to participate in an outside activity as a speaker at FOIA EX 6 Law School on November 18, 2013. You will be speaking about the evolution, and key developments in, the RCLA cleanup program and liability structure in a seminar titled "Hot Topics in Environmental Law." FOIA EX 6 Law School will not be compensating you to speak at this seminar. Because the class meets at 4:00 pm, you anticipate taking three hours of annual leave to participate in this activity.

EPA's ethics regulations at 5 C.F.R. §6401.11 require employees to obtain administrative approval from their Deputy Ethics Official (DEO) before engaging in certain types of uncompensated outside activities, including those activities that deal in significant part with the policies, programs, or operations of EPA.

You will need to remember the following ethics principles when participating in your outside activity:

1. You may not use or permit the use of your government position or title or any authority associated with your EPA employment in a manner that could reasonably be construed to imply that EPA or the Government sanctions or endorses your personal activities. See 5 C.F.R. §§2635.702(b) and (c). If you reference your EPA title or position or allow EX 6 Law School to reference your EPA title or position, the reference to your EPA title or position must be included as one of several (one of at least three) biographical details, giving no more prominence to your EPA title or position than any of the other biographical details;

2. Pursuant to 5 C.F.R. §2635.703 you are prohibited from disclosing non-public EPA information in the course of your outside activity;

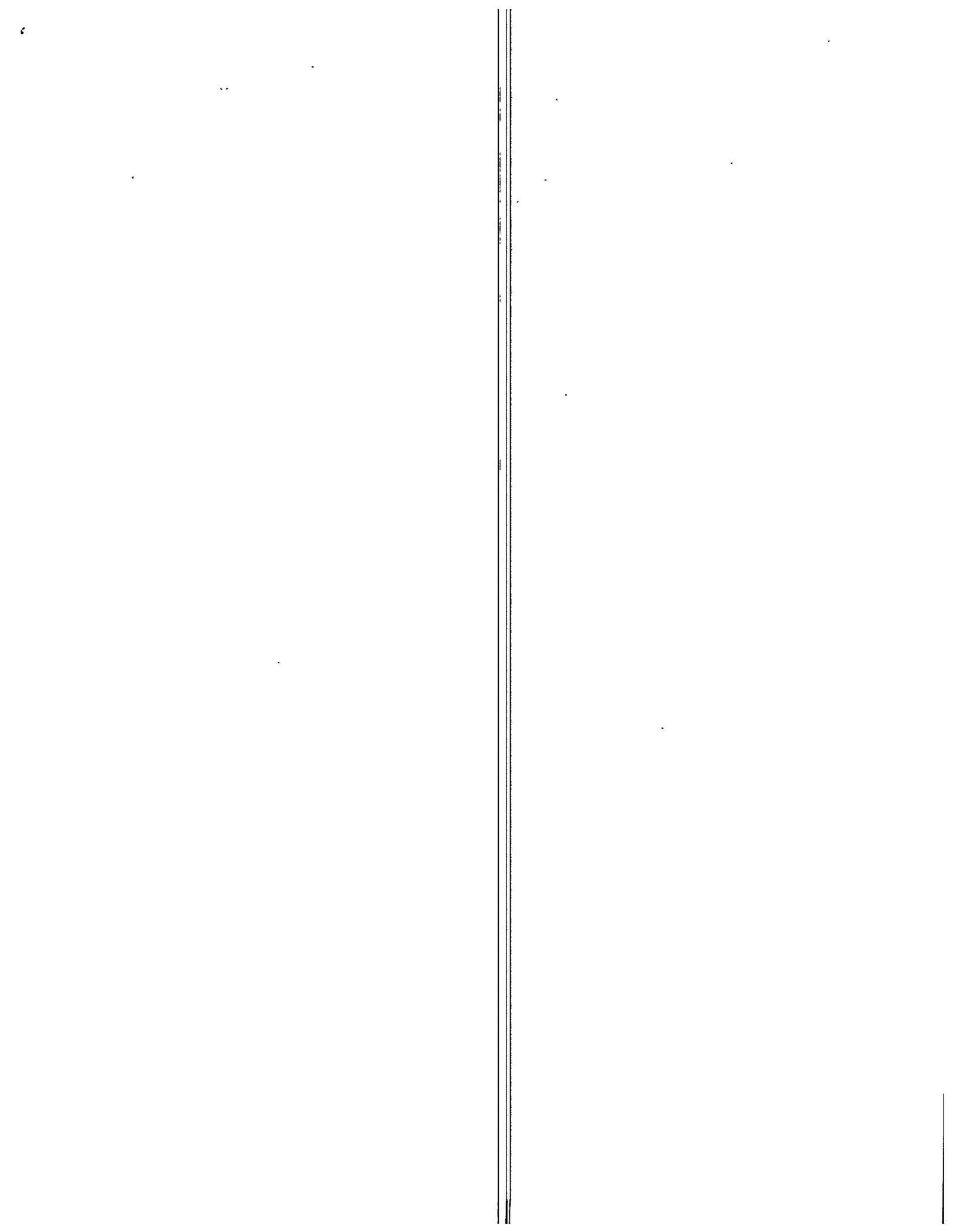
3. You may not represent EX 6 University's interests in dealings with EPA or in dealings with other Executive Branch or Judicial Branch entities of the Federal Government. See 5 C.F.R. §2635.801(d)(4) and 18 U.S.C. §§ 203 and 205.

4. You generally should avoid working on EPA projects involving ~~Ford~~ University. See 5 C.F.R. §§2635.401-403 and 2635.501-502.

Based on aforementioned considerations, I approve your request to present at the "Hot Topics in Environmental Law" seminar on November 18, 2013. This approval will be in effect only for this specific activity. Please keep in mind that 5 C.F.R. §6401.103(d) requires you to submit a revised request to me for administrative approval if there is a change in the nature or scope of the duties or services performed in your outside activities.

Please call Steven Jawgiel, Assistant Regional Counsel/Assistant Deputy Ethics Official, at (415) 972-3876 if you have any questions.

cc: Steven Jawgiel (Assistant Regional Counsel/Assistant Deputy Ethics Official)





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

MEMORANDUM

TO: Robert Moyer, Acting Regional Counsel and Deputy Ethics Official

FROM: ~~FOIA EX 6~~, Acting Deputy Regional Counsel

DATE: November 5, 2013

RE: Request for Permission to Participate in an Outside Activity

I have received an invitation to speak at ~~FOIA EX 6~~ Law School on Monday November 18 at a class session of the seminar "Hot Topics in Environmental Law." Specifically, I have been asked to talk about the evolution of, and key developments in, the CERCLA cleanup program and liability structure. By this Memorandum, I am requesting permission to participate in this outside activity. I will not be paid for this speaking engagement or otherwise receive compensation for this outside activity. As you know, I am currently serving as an Acting Deputy Regional Counsel in the Region IX Office of Regional Counsel and have attained Grade GS 15 step 8.

The class which meets for ninety minutes is open to second and third year law students as well as selected graduate students at the University. The class meets from 4 pm to 5:30 pm. I anticipate taking three hours of annual leave to travel to and speak to the class.

From 1999 through 2008, I was a regular lecturer at ~~FOIA EX 6~~ Law School teaching courses in environmental ethics, environmental law and professional responsibility. That outside employment (as I was paid for teaching those courses) was reviewed and approved at the time by the Regional Counsel and Deputy Ethics Official, Nancy Marvel.

A large part of my work at EPA over the years has involved providing legal counseling to the Superfund Program and leading or managing Superfund enforcement actions. However, I am not requesting to appear at this class as an EPA employee and would not be discussing my EPA experiences. Instead, I plan to use teaching materials that I previously prepared for my courses at ~~FOIA EX 6~~ Law School as the basis for this class presentation. As such, I will be speaking in my private capacity from my academic perspective developed over a decade as a lecturer at Stanford Law School. I would begin my presentation by stating that I am appearing at the class in my private capacity and that the views expressed are my own views not those of EPA.

I anticipate that it will take five to seven hours to prepare for this class session. Preparation for this class session will be conducted entirely outside of normal EPA business hours. On November 18, I will take annual leave for the time involved in traveling to ~~FOIA EX 6~~ 1 and

participating in this class session. This outside activity will not interfere with my ability to perform my job at EPA.

In performing this outside activity, I will not use official duty time or any Government property, resources or facilities not available to the general public. I have also read, am familiar with and will abide by the restrictions established in 5 C.F.R. Part 2635 and Section 6401.102.

Please contact me at ~~FOIA~~ if you have any questions in this matter.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

DATE: JUN 6 2006

SUBJECT: Request for Approval of Outside Activity - FOIA EX6

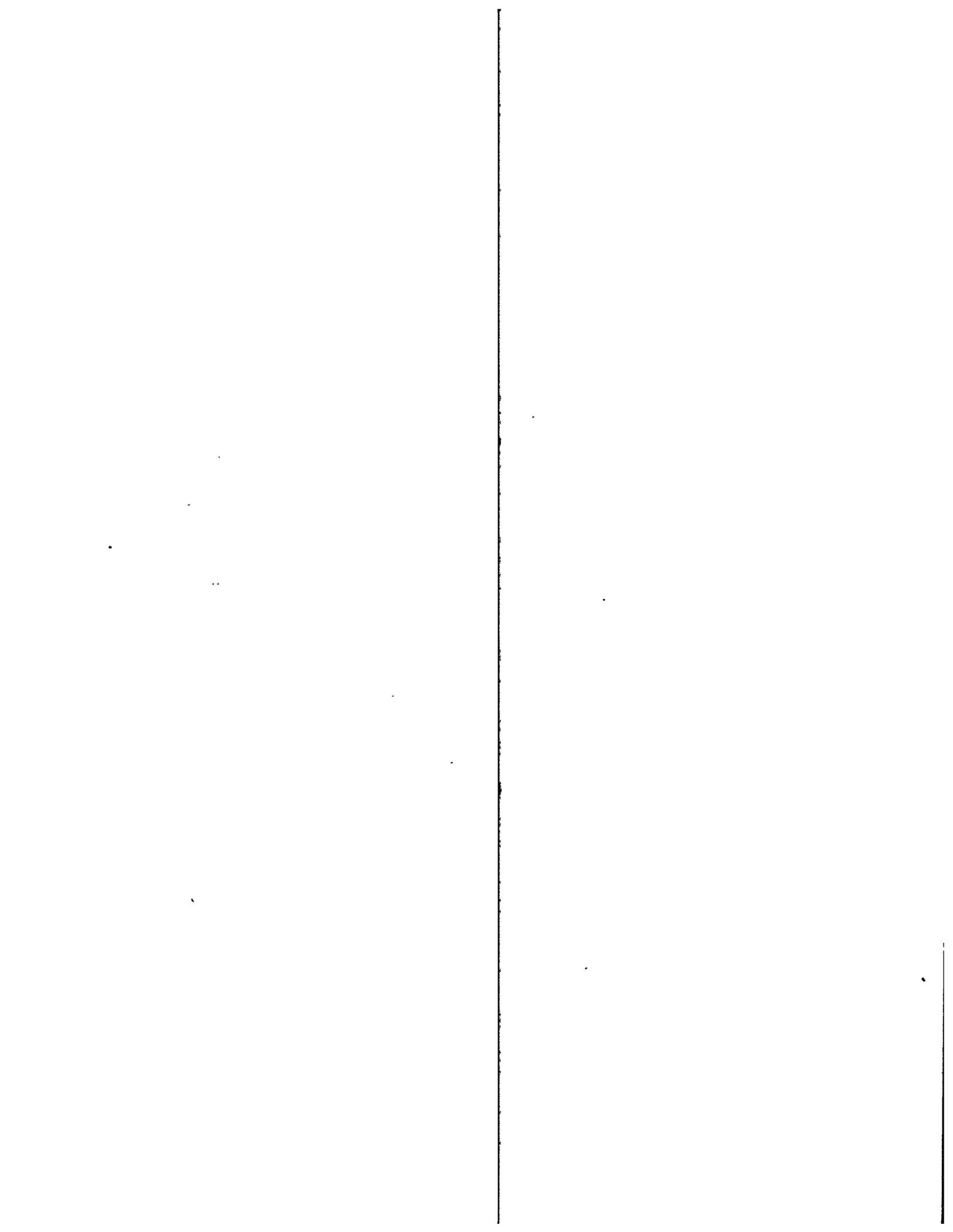
FROM: Mitchell S. Cohen   
Associate Regional Counsel

TO:  
Eric Schaaf  
Regional Counsel

I have reviewed EX. 6's request for formal approval of her proposed outside employment. She is seeking approval to provide legal services to clientele of a nonprofit organization known as the FOIA EX. 6 r: Lawyers' Project, the mission of which is to assist *pro se* litigants in the EX. 6 Part of New York City's Civil Court. The volunteer attorneys involved in this project do not represent clients. Kedari will not be compensated for these services; she will, however, receive nine CLE credits for this work. As this work entails practice of a profession, formal approval to engage in it is required by the Agency's supplemental regulation on outside employment at 5 C.F.R. §6401.103(a). Upon reviewing this request, I have also referred to the OGE regulations on misuse of position and outside activities in Subparts G and H, respectively, in 5 C.F.R. Part 2635.

There appears to be no potential for conflict of interest between Kedari's ORC duties and the legal services she will be providing on behalf of the Volunteer Lawyers' project. There is, of course, the usual reminder concerning the need to avoid using Agency resources, time and equipment in connection with this outside employment except as consistent with the Agency's policy on de minimis usage of such. Assuming adherence to the above-mentioned standards of conduct, I recommend approval of EX. 6's request. A copy of this memo, once approved, should be given to her and the approved request form should be placed in her confidential financial disclosure file.

Approved: 



**Region 2**



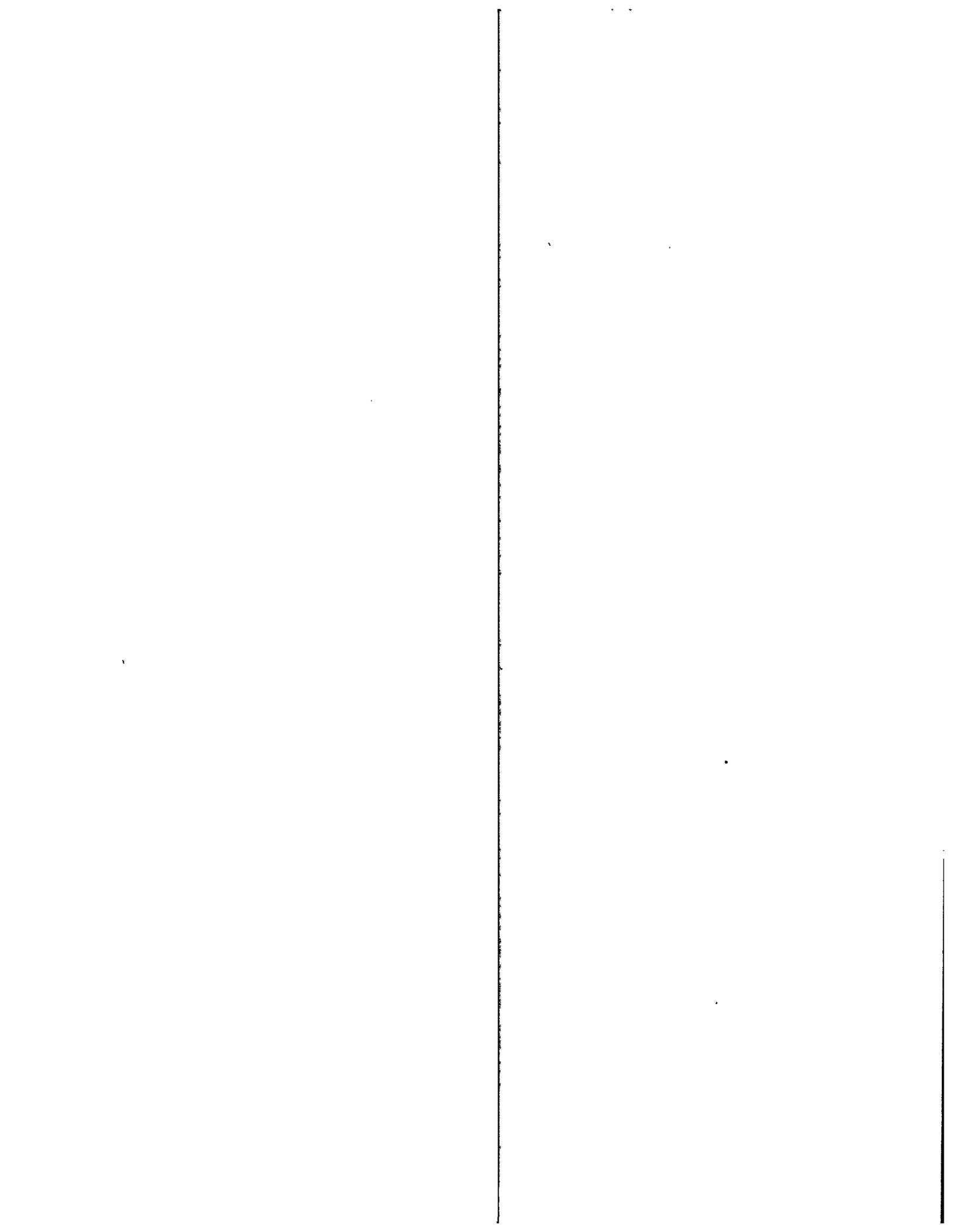
United States Environmental Protection Agency

HUMAN RESOURCES > REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

Printer Friendly Page For...

**REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY**

REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY		<input checked="" type="checkbox"/> INITIAL REQUEST <input type="checkbox"/> REVISED REQUEST <input type="checkbox"/> RENEWAL
1. NAME (Last, First, Initial) <b>FOIA EX6</b>	2. DIVISION/BRANCH <b>ORC-NJSPB</b>	
3. POSITION TITLE <b>General Attorney</b>	4. GRADE AND SALARY <b>GS 14, Step 4</b>	
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SERVICES WILL BE PERFORMED <b>NYC Civil Court Court Volunteer Project</b>		6. LOCATION WHERE SERVICES WILL BE PERFORMED <b>FOIA EX6 in any of the Court's Resource Centers located in one of the 5 Boroughs.</b>
7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.) <b>The FOIA EX6 Court operates a 'Volunteer Lawyers Project' designed to assist pro se litigants. Volunteer lawyers trained by the Project provide free legal information and advice to owners and tenants who do not have attorneys. Volunteer attorneys do not represent litigants in court proceedings or file papers on their behalf. I anticipate volunteering up to 8 hours per month, on my scheduled flex days.</b>		
8. ESTIMATED TIME INVOLVED <b>9 hrs of training, minimum 12 hrs per year</b>		
a. PERIOD COVERED FROM <b>June 2006</b> TO <b>June 2008</b>	b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (If on a continuing basis, give estimated time per year) <b>up to 96 hrs per year</b>	
c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK		
9. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)		
10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOUR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? <input type="checkbox"/> NO <input type="checkbox"/> YES (Describe) <b>I don't know if they have or will seek a grant or contract from a federal agency.</b>		
11. METHOD OR BASIS OF COMPENSATION <input type="checkbox"/> FEE <input type="checkbox"/> HONORARIUM <input type="checkbox"/> OTHER (Specify) <input type="checkbox"/> PER DIEM <input type="checkbox"/> ROYALTY <b>No compensation other than (9) CLE credits in exchange for PER ANNUM 12 hours of pro bono service</b>		12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input type="checkbox"/> NO <input type="checkbox"/> YES (Describe) <b>N/A</b>
13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED		



IN 5 CFR PART 2635 AND § 6401.102.			
14. SIGNATURE OF EMPLOYEE <i>FOIA EXC FOIA EXC</i>		15. DATE <i>6/2/06</i>	16. ADDITIONAL INFORMATION ATTACHED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
17. DIVISION DIRECTOR APPROVAL			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL)			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <i>[Signature]</i>	c. TITLE <i>RC</i>	d. DATE <i>6/6/06</i>
19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.			

EPA REGION 2 FORM R 3120-1 (revised 10/96)

INSTRUCTIONS	
<p>Item 5 - Self-Employment: If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.</p> <p>Item 10 - Federal Grants or Contracts Involved: Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.</p> <p>Item 16 - Attachments: Be sure to sign copies of all attachments submitted.</p>	
<p>ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL</p>	

ITEM 21 - REASON FOR DISAPPROVAL

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Contact: [sommerman.alan@epa.gov](mailto:sommerman.alan@epa.gov)

Created: 04/08/2003 11:58:40 AM -- Last Modified: 3/25/04 3:18:27 PM

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

DATE: AUG 27 2003

SUBJECT: Request for Approval of Outside Activity - FOIA Ex 6

FROM: Mitchell S. Cohen *Mitch*  
Associate Regional Counsel

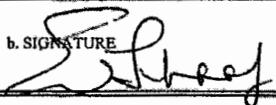
TO: Eric Schaaf  
Deputy Regional Counsel - Deputy Ethics Official (ORC)

I have reviewed Ex 6's request for formal approval of his proposed outside employment. He is seeking approval to teach a course of his own design on American environmental law at the University of *FOIA Ex 6*. He will receive no compensation for this teaching engagement, which will take place on October 22, 2003. As this work arguably entails practice of a profession, formal approval to engage in it is required by the Agency's supplemental regulation on outside employment at 5 C.F.R. §6401.103(a). Upon reviewing this request, I have also referred to the OGE regulations on misuse of position and outside activities in Subparts G and H, respectively, in 5 C.F.R. Part 2635.

As Ex 6's is to receive no compensation (including travel) for this teaching engagement, the OGE regulatory prohibition of 5 C.F.R. §2635.807 on compensated speaking, teaching or writing on matters related to official business is clearly irrelevant. There appears to be no conflict between this proposed outside employment activity and his official ORC duties. There is, of course, the usual reminder concerning the need to avoid using Agency resources, time and equipment in connection with this outside employment. Furthermore, he is reminded that he is not to convey that any of the views expressed during his lecture necessarily represent the views of the EPA. I have spoken with Ex 6 previously concerning the appropriate wording of any biographical information to be disseminated by the University in connection with this engagement. Assuming adherence to the above-mentioned standards of conduct, I recommend approval of Ex 6 request. A copy of this memo, once approved, should be given to him and the approved request form should be placed in his confidential financial disclosure file.

Approved: *E. Schaaf* 9/1/03

<b>REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY</b>		<input checked="" type="checkbox"/> INITIAL REQUEST <input type="checkbox"/> REVISED REQUEST <input type="checkbox"/> RENEWAL
1. NAME (Last, First, Initial) <u>FOIA EXG</u>	2. DIVISION/BRANCH <u>ORC/AB</u>	
3. POSITION TITLE <u>Attorney</u>	4. GRADE AND SALARY <u>GS 13-7 / \$85,874</u>	
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SERVICES WILL BE PERFORMED <u>University of FOIA EXG</u> <u>FOIA EXG EXG</u>	6. LOCATION WHERE SERVICES WILL BE PERFORMED <u>University of EXG</u> <u>FOIA EXEMPTION 6</u>	
7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.) <u>On October 22, 2003 I will teach a course, which I designed, on United States' environmental law.</u>		
8. ESTIMATED TIME INVOLVED <u>3 1/2 hours</u>		
a. PERIOD COVERED FROM <u>10/22/03</u> TO <u>10/22/03</u>	b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (If on a continuing basis, give estimated time per year) <u>100 hours</u>	
c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS? <input checked="" type="checkbox"/> YES [ ] NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK _____		
9. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY? <input checked="" type="checkbox"/> NO [ ] YES (Describe)		
10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOUR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? <u>N/A</u> [ ] NO [ ] YES (Describe)		
11. METHOD OR BASIS OF COMPENSATION [ ] FEE [ ] HONORARIUM [ ] OTHER (Specify) [ ] PER DIEM [ ] PER ANNUM <u>NO</u> [ ] ROYALTY [ ] EXPENSES <u>COMPENSATION</u>	12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <u>N/A</u> [ ] NO [ ] YES (Describe)	
13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED IN 5 CFR PART 2635 AND § 6401.102.		
14. SIGNATURE OF EMPLOYEE <u>FOIA EXEMPTION 6</u>	15. DATE <u>8/25/03</u>	16. ADDITIONAL INFORMATION ATTACHED

			[ ] YES [ ] NO
<b>17. DIVISION DIRECTOR APPROVAL</b>			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
<b>18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL)</b>			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
<b>19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)</b>			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE 	c. TITLE Deputy Regional Counsel	d. DATE 8/27/03
APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.			

EPA REGION 2 FORM R 3120-1 (revised 10/96)

<b>INSTRUCTIONS</b>
<p><b>Item 5 - Self-Employment:</b> If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.</p> <p><b>Item 10 - Federal Grants or Contracts Involved:</b> Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.</p> <p><b>Item 16 - Attachments:</b> Be sure to sign copies of all attachments submitted.</p> <hr/> <p><b>ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL</b></p>

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

DATE: JAN 7 2003

SUBJECT: Request for Approval of Outside Activity - FAH616 y

FROM: Mitchell S. Cohen  
Associate Regional Counsel

Approved  
E. Schaf  
4/10/03

TO: Eric Schaaf  
Acting Regional Counsel - Deputy Ethics Official (ORC)

I have reviewed EXC's request for formal approval of his outside activity. EXC is seeking approval to engage in outside legal practice on behalf of three clients in what are commercial matters (e.g., contract matters and bill collection issues) unrelated to any EPA activity. He will receive fees for this work, which will be performed entirely on his own time. As this work obviously entails practice of a profession, formal approval to engage in it is required by the Agency's supplemental regulation on outside employment at 5 C.F.R. §6401.103(a). Upon reviewing this request, I have also referred to the OGE regulations on misuse of position and outside activities in Subparts G and H, respectively, in 5 C.F.R. Part 2635.

Since the subject matter of EXC's services do not involve any matters related to EPA programs, policies or operations, the usual caveats concerning appearance of impartiality need not be discussed in connection with review of this request. There appears to be no conflict between these legal services and his official ORC duties. There is, of course, the usual reminder concerning the need to avoid using Agency resources, time and equipment in connection with this outside employment. Assuming adherence to the above-mentioned standards of conduct, I recommend approval of EXC's request. A copy of this memo, once approved, should be given to him.

Part time  
law practice  
outside  
approval?  
needed  
4/10/03

REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY		<input checked="" type="checkbox"/> INITIAL REQUEST <input type="checkbox"/> REVISED REQUEST <input type="checkbox"/> RENEWAL	
1. NAME (Last, First, Initial) <b>FOIA &amp; 6 EX6</b>		2. DIVISION/BRANCH <b>ORC-NYCASFB</b>	
3. POSITION TITLE <b>GENERAL ATTORNEY</b>		4. GRADE AND SALARY <b>GS 14-5</b>	
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SERVICES WILL BE PERFORMED <b>SEE ATTACHED SHEET</b>		6. LOCATION WHERE SERVICES WILL BE PERFORMED <b>EMPLOYEE'S RESIDENCE 1/02-10/02 FOIA EX.6 10/02-12/03 EX.6</b>	
7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.) <b>FOR FOIA EX6; ING AND FOIA EX6 : GENERAL BUSINESS LEGAL COUNSELING (CONTRACT MATTERS, BILL COLLECTION) FOR FOIA EX6 : ONE N.Y. JURROGATE'S COURT MATTER THIS WORK IS PERFORMED ON MY COMMUTE, MY COMPRESSED DAY OFF OR ON WEEKENDS.</b>			
8. ESTIMATED TIME INVOLVED <b>APPROX. 3 HOURS PER WEEK (AVG.)</b>			
a. PERIOD COVERED FROM <b>JAN 2002</b> TO <b>DEC 2003</b>		b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (If on a continuing basis, give estimated time per year) <b>60 HOURS/YEAR</b>	
c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS? <input checked="" type="checkbox"/> YES [ ] NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK _____			
9. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY? <input checked="" type="checkbox"/> NO [ ] YES (Describe)			
10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOUR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? <input checked="" type="checkbox"/> NO [ ] YES (Describe)			
11. METHOD OR BASIS OF COMPENSATION <input checked="" type="checkbox"/> FEE [ ] HONORARIUM <input checked="" type="checkbox"/> OTHER (Specify) <input type="checkbox"/> PER DIEM [ ] PER ANNUM <input type="checkbox"/> ROYALTY [ ] EXPENSES		12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input checked="" type="checkbox"/> NO [ ] YES (Describe)	
13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED IN 5 CFR PART 2635 AND § 6401.102			
14. SIGNATURE OF EMPLOYEE <b>FOIA EXEMPTION 6</b>		15. DATE <b>1/2/03</b>	16. ADDITIONAL INFORMATION ATTACHED <input checked="" type="checkbox"/> YES [ ] NO
17. DIVISION DIRECTOR APPROVAL			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <i>[Signature]</i>	c. TITLE <i>[Title]</i>	d. DATE <b>1/2/03</b>
18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL)			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.			

EPA REGION 2 FORM R 3120-1 (revised 10/96)

### INSTRUCTIONS

Item 5 - Self-Employment: If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.

Item 10 - Federal Grants or Contracts Involved: Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.

Item 16 - Attachments: Be sure to sign copies of all attachments submitted.

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ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL

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ITEM 21 - REASON FOR DISAPPROVAL

REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY  
(continuation sheet)

Item 5 Name, address, and business of person or organization for whom outside services will be performed

1. FOIA EX. 6  
FOIA EX. 6, Maryland  
(home improvement contractor)
2. FOIA EXEMPTION 6  
FOIA EX. 6, New York  
(heavy construction contractor)
3. FOIA EXEMPTION 6  
FOIA EX. 6 New York  
(a family friend)

By: FOIA EXEMPTION 6  
dated: 1/2/88

NB: All legal work I perform for the above-listed clients is done by me individually, not in conjunction with any other attorneys.

Adrian  
5-7-12

May 7, 2012

MEMORANDUM

SUBJECT: Request for Approval to participate on <sup>FOIA EX 6</sup> Committee  
FROM: <sup>FOIA EX 6</sup>  
EPA/ORD/NRMRL/APPCD/ECPB  
TO: Frank Princiotta, DEO  
EPA/ORD/NRMRL/APPCD

I am requesting approval to accept the offer to serve on the <sup>FOIA EX 6</sup> ~~EX 6~~ Board's (~~EX 6~~) Committee on Transportation and Sustainability. As noted in the appointment letter, ~~EX 6~~ is a division of the <sup>FOIA EX 6</sup> ~~EX 6~~, a private, nonprofit institution that provides expertise in science and technology to the government, the public, and the scientific and engineering communities. The ~~EX 6~~ is jointly administered by the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine. Members of ~~EX 6~~ technical committees serve as individuals, not as representatives of the organizations by which they are employed or of which they may be members. Other personnel in ORD have, or currently do, serve on other ~~EX 6~~ committees. In addition, membership on this committee will enhance my ability to serve as the Program Area Lead for Transportation in ORD's Sustainable and Health Communities Research Program.

If you have any questions or need further information, please contact me at <sup>FOIA EX 6</sup> ~~EX 6~~ or <sup>FOIA EXEMPTION 6</sup> ~~EX 6~~.

Approved: Frank Princiotta Date: 5/7/2012



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF RESEARCH AND DEVELOPMENT  
NATIONAL RISK MANAGEMENT RESEARCH LABORATORY  
CINCINNATI, OHIO 45268

15 April 2008

**MEMORANDUM**

SUBJECT: Request Approval to Participate in Outside Employment/Activities

FROM: FOIA EXC  
SEB/STD

THROUGH: Heriberto Cabezas *Heriberto Cabezas* 04/15/08  
SEB/STD

Beverly McKenna *Beverly McKenna* 04/15/2008  
Assistant Deputy Ethics Official

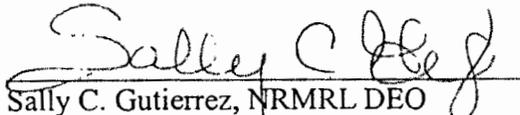
TO: Sally C. Gutierrez  
Deputy Ethics Official

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment or activity described below. I understand that this approval must be obtained in advance of engaging in the performance of this activity and is approved only as specified in the information given below or for a period of five years. I also understand that approval shall be granted in writing and only upon a determination that the outside employment or activity is not expected to involve conduct prohibited by statute or Federal regulation, including 5 C.F.R. Part 2635 and § 6401.102.

1. Employee's Name: FOIA EXC  
Title and Grade: Economist GS-14
2. Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected. Member of the Board of Trustees of the FOIA EXC Association for the Blind and Visually Impaired, with no compensation expected.
3. The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months) FOIA EXC Association for the Blind and Visually Impaired, with 1200 clients served in the next 6 months.

4. The estimated time to be devoted to the activity is 4 hours quarterly.
5. Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required). Outside of normal duty hours.
6. Employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment or activity. No official duty time or Government property, resources or facilities not available to the general public will be used in connection with the outside employment or activity.
7. The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.). There is no compensation and no basis for compensation.
8. Employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102. I have read and am familiar with the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.
9. Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. There are no assistance agreements nor contracts held by me or the persons for whom the services will be provided.

Approved:

  
Sally C. Gutierrez, NRMRL DEO

Date:

4/15/08

Disapproved:

\_\_\_\_\_  
Sally C. Gutierrez, NRMRL DEO

Date:

\_\_\_\_\_

**MEMORANDUM**

SUBJECT: Request Approval to Participate in Outside Employment/Activities

FROM: FOIA EX 6  
Sustainable Environment Branch, STD

THROUGH: Thomas Holdsworth  
Assistant Division Director, STD

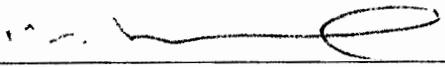
TO: Thomas Holdsworth  
Deputy Ethics Official

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment or activity described below. I understand that this approval must be obtained in advance of engaging in the performance of this activity and is approved only as specified in the information given below or for a period of five years. I also understand that approval shall be granted in writing and only upon a determination that the outside employment or activity is not expected to involve conduct prohibited by statute or Federal regulation, including 5 C.F.R. Part 2635 and § 6401.102.

1. Employee's Name: FOIA EXEMPTIONS  
Title and Grade: Supervisory Economist, GS-15
2. As an Adjunct Faculty Member, I will be teaching Economics EX 6  
Environmental Economics, at the University of FOIA EXEMPTIONS  
Activities will occur during spring semester (1/6/2014 – 4/26/2014) and will  
include lecturing, administering tests and grading coursework. Compensation  
will be EX 6 per credit hour, or EX 6 for the course.
3. The organization for which the work will be done is the University of FOIA EX 6  
Department of Economics. I will be reporting to the Department Chair EX 6  
EX 6, Department of Economics, University of FOIA EXEMPTIONS  
College of Business, FOIA EX 6 J, Phone: FOIA EX 6
4. The estimated time to be devoted to the activity will be 9 hours per week. In-  
class time will be 3 hours per week (MWF 9:05am – 10:00am)
5. The service will be performed entirely outside of normal duty hours.

6. I affirm that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment or activity.
7. The basis for compensation is per credit hour.
8. I affirm that I have read, and am familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.
9. There are no assistance agreements or contracts held by the person to or for whom services will be provided.

Approved:

  
\_\_\_\_\_  
Thomas Holdsworth, NRMRL DEO

Date:

12/11/2013

Disapproved:

\_\_\_\_\_  
Thomas Holdsworth, NRMRL DEO

Date:

\_\_\_\_\_



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF RESEARCH AND DEVELOPMENT  
NATIONAL RISK MANAGEMENT RESEARCH LABORATORY  
CINCINNATI, OHIO 45268

May 11, 2009

MEMORANDUM

SUBJECT: Request Approval to Participate in Outside Employment/Activities

FROM: FOIA EXEMPTION 6  
LSAS/IO

VIA: Alan Weinrich, Acting Chief LSAS  
Branch/Division

Beverly McKenna *Beverly M. McKenna* 05/14/2009  
Assistant Deputy Ethics Official

TO: Sally C. Gutierrez  
Deputy Ethics Official

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment or activity described below. I understand that this approval must be obtained in advance of engaging in the performance of this activity and is approved only as specified in the information given below or for a period of five years. I also understand that approval shall be granted in writing and only upon a determination that the outside employment or activity is not expected to involve conduct prohibited by statute or Federal regulation, including 5 C.F.R. Part 2635 and § 6401.102.

1. Employee's Name:

FOIA EX 6

Title and Grade: Industrial Hygienist, GS-0690-14-1

2. Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected:

Adjunct Instructor - Adult and Continuing Education Programs. Health and Safety topics to include Hazardous Materials Operations, OSHA 40 Hour HAZWOPER, OSHA 8 Hour HAZWOPER Refresher, Industrial Hygiene, DOT Hazardous Materials Transportation

Approximately \$ FOIA EX 6

3. The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months).

Center for FOIA EXEMPTIONS,  
EX6 State EX6 and Community College

4. The estimated time to be devoted to the activity:  
4 hours per week.
5. The service will be performed entirely outside of normal duty hours
6. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment or activity.
7. The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.):  
\$EX6/hr instruction. \$EX6/hr technical material development
8. I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.
9. I know of no assistance agreements or contracts held by the person to or for whom services will be provided.

Approved: \_\_\_\_\_

Sally C. Gutierrez, NRMRL DEQ

Date: \_\_\_\_\_

5/15/09

Disapproved: \_\_\_\_\_

Sally C. Gutierrez, NRMRL DEQ

Date: \_\_\_\_\_



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF RESEARCH AND DEVELOPMENT  
NATIONAL RISK MANAGEMENT RESEARCH LABORATORY  
CINCINNATI, OHIO 45268

April 9, 2008

**MEMORANDUM**

SUBJECT: Request Approval to Participate in Outside Employment/Activities

FROM: *FOIA EXEMPTION 6*  
MCCB/WSWRD

THROUGH: Mark Rodgers, Chief *M. Rodgers*  
MCCB/WSWRD

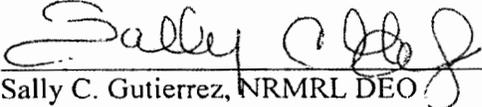
Beverly McKenna *Beverly McKenna*  
Assistant Deputy Ethics Official

TO: Sally C. Gutierrez  
Deputy Ethics Official

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment described below. I understand that this approval must be obtained in advance of engaging in the performance of this activity and is approved only as specified in the information given below or for a period of five years. I also understand that approval shall be granted in writing and only upon a determination that the outside employment or activity is not expected to involve conduct prohibited by statute or Federal regulation, including 5 C.F.R. Part 2635 and § 6401.102.

1. Employee's Name: *FOIA EX. 6*  
Title and Grade: Physical Scientist, GS-13
2. I would be performing the task of Assistant Adjunct Professor for *(FOIA EX. 6)* College in *FOIA EX. 6*. This Adjunct position is to provide Introductory Biology classroom instruction to non-majors. I would receive *FOIA EX. 6* as compensation for this undergraduate three credit course.
3. The name and business of the organization for which the work will be done is the University of *(FOIA EX. 6)* College in *FOIA EX. 6*. This is a two year community college associated with *EX. 6*

4. The estimated time to be devoted to the activity is zero hours during regularly scheduled work. All classroom instruction and preparation will be performed during the evening. The classes will meet twice a week for 1 hour and 15 minutes.
5. The service will be performed entirely outside of normal duty hours.
6. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment or activity.
7. The basis for compensation is a flat rate of \$ ~~FCIA~~ ~~EXG~~ per credit hour, it is three credit course)
8. I have read, and am familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.
9. I do not hold any assistance agreements or contracts held by the University of ~~FCIA~~ or ~~EXG~~ College.

Approved:  Date: 4/15/08  
Sally C. Gutierrez, NRMRL DEO

Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_  
Sally C. Gutierrez, NRMRL DEO

**MEMORANDUM**

SUBJECT: Request Approval to Participate in Outside Employment/Activities

FROM: FOIA EX6  
Immediate Office FOIA EX6 : 6/7/07

THROUGH: Cynthia Kirchmer Cynthia Kirchmer  
Assistant Deputy Ethics Official

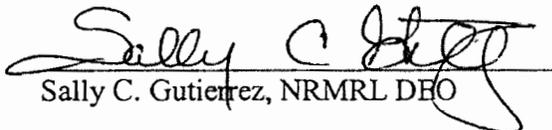
TO: Sally C. Gutierrez  
Deputy Ethics Official

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment or activity described below. I understand that this approval must be obtained in advance of engaging in the performance of this activity and is approved only as specified in the information given below or for a period of five years. I also understand that approval shall be granted in writing and only upon a determination that the outside employment or activity is not expected to involve conduct prohibited by statute or Federal regulation, including 5 C.F.R. Part 2635 and § 6401.102.

1. Employee's Name: FOIA EX6  
Title and Grade: **Director, Environmental Technology Verification Program**
2. Nature of the outside activity, including a full description of the services to be performed and the amount of compensation to be expected. **Participate as board member of the FOIA EX6 for Environmental Education and Technology Development at FOIA EXEMPTION University. There will be no compensation.**
3. The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the types of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months). FOIA EXEMPTION for **Environmental Education and Technology Development at FOIA EX6 University**
4. The estimated time to be devoted to the activity. **16 hrs per year.**

*Posted  
6-11-07*

5. Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required). **Service to be provided during normal duty hours – 16 hrs per year required.**
6. Employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment or activity. **Government property or resources will not be used with exception of my work time and possibly a laptop computer.**
7. The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.). **No compensation will be received.**
8. Employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102. **I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and 6401.102.**
9. Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. **NRMRL does not have a direct contract with FOIAE however EIC is a subcontractor to FOIA EXL Inc. EPA under contract no. FOIAE 1, Work assignment no FOIAE Project no. FOIAE for the Test and Evaluation Facility.**

Approved:  Date: 6/7/07  
 Sally C. Gutierrez, NRMRL DEO

Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_  
 Sally C. Gutierrez, NRMRL DEO



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT  
CINCINNATI, OHIO 45268

April 16, 2012

MEMORANDUM

SUBJECT: Outside Employment

FROM: FOIA EIC  
Information Technology Specialist, GS-14

TO: *Rick L. Carter*  
Rick L. Carter, Deputy Ethics Official  
Director OARM-Cincinnati

THRU: Darryl Jackson  
Director IRMD (Acting)

This MEMO is to request approval of outside employment. I am currently the sole proprietor of a consulting company which provides various computer and network services for my clients. I manage day to day operations of the company, and execute all of the work needed by my clients. My compensation varies from ~~616~~ to ~~616~~ per hour depending on the client, and the work to be performed. I devote approximately five hours per month to this business.

The business is named FOIA ~~EXC~~ and I currently have one client, but that one client has approximately 40 subscribers to his service that periodically require assistance. All work is done outside of normal duty hours. I do not identify myself to any current or prospective clients as being associated to the EPA or the Federal Government in any way, and do not provide any assistance to companies seeking federal grants or contracts.

*RC*  
*This has been approved previously but time for an updated request. Recommend continued approval.*  
*LNF*  
*5/2/12*

file copy

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

DATE:

AUG 30 2007

SUBJECT: Request for Approval of Outside Activity - ~~FOIA/EXC~~

FROM:

Mitchell S. Cohen

TO:

Associate Regional Counsel

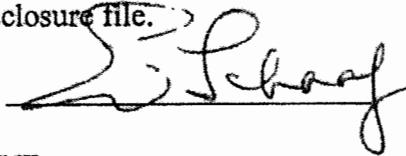
Eric Schaaf

Regional Counsel - Deputy Ethics Official (ORC)

I have reviewed ~~EXC~~'s request for formal approval of his proposed outside employment. He is seeking approval to serve as Chair of the ~~EXC~~ Committee on Climate Change, Sustainable Development and Ecosystems. Concurrently, he proposes to serve as Vice-Chair of the ~~EXC~~ Alternative Dispute Resolution Committee. He will receive no compensation for this service other than reimbursement for travel expenses. This service will be performed wholly on his own time and solely in his personal capacity. As this work entails practice of a profession, formal approval to engage in it is required by the Agency's supplemental regulation on outside employment at 5 C.F.R. §6401.103(a). Upon reviewing this request, I have also referred to the OGE regulations on misuse of position and outside activities in Subparts G and H, respectively, in 5 C.F.R. Part 2635.

There appears to be no conflict of interest between Joe's ORC duties and the services he will be providing to the ABA committees notwithstanding the relation between this outside activity and his ORC responsibilities. There is, of course, the usual reminder concerning the need to avoid implying EPA sanction of his outside activities except as consistent with Subpart H. Assuming adherence to the above-mentioned standards of conduct, I recommend approval of request. A copy of this memo, once approved, should be given to him and the approved request form should be placed in his confidential financial disclosure file.

APPROVE: \_\_\_\_\_



DISAPPROVE: \_\_\_\_\_



United States Environmental Protection Agency

EPA.gov | EPA@Work | Region 2 Internet | Locator | Search EPA@Work | Help Desk

HUMAN RESOURCES > REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

- Human Resources
- Grants
- Contracts
- Information Systems
- Facilities
- Finance
- Library
- Visitors & Travel
- R2 Organization
- Contacts
- R2@Work
- R2 QuickPlace
- Site Index

Printer Friendly

- [Home]
- Human Resources
- Employee Handbook
- Peopleplus
- Performs Linkage Form

## REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY		<input checked="" type="checkbox"/> INITIAL REQUEST <input type="checkbox"/> REVISED REQUEST <input type="checkbox"/> RENEWAL	
1. NAME (Last, First, Initial) <b>FAIA EX. 6</b>		2. DIVISION/BRANCH <b>ORC-AIT</b>	
3. POSITION TITLE <b>Attorney</b>		4. GRADE AND SALARY <b>15 8140, 978</b>	
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHICH SERVICES WILL BE PERFORMED <b>FOIA EX. 6 Association, FOIA EXEMPTIONS etc. 6416</b>		6. LOCATION WHERE SERVICES WILL BE PERFORMED <b>Primarily in N.Y. occasional conference or meeting out of town</b>	
7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.)  <b>Chair of the <sup>code</sup> Committee on Climate Change, Sustainable Development, + Ecosystems + vice-chair of the EX. 6 Alternative Dispute Resolution Committee</b>			
8. ESTIMATED TIME INVOLVED <b>2-3 hours per week</b>			
a. PERIOD COVERED FROM <b>8/07</b> TO <b>8/09</b>		b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (If on a continuing basis, give estimated time per year) <b>100-150 hrs/yr.</b>	
c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK <b>Est. 3 days per year absence from work</b>			
9. DO YOU OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (Describe) <b>I will be involved in activities on climate change</b>			
10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOU WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)			
11. METHOD OR BASIS OF COMPENSATION <input type="checkbox"/> FEE <input type="checkbox"/> HONORARIUM <input type="checkbox"/> OTHER (Specify) <input type="checkbox"/> PER DIEM <input type="checkbox"/> PER ANNUM <b>some travel</b> <input type="checkbox"/> ROYALTY <input checked="" type="checkbox"/> EXPENSES <b>expenses only</b>		12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)	
13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED IN 5 CFR PART 2635 AND § 6401.102.			
14. SIGNATURE OF EMPLOYEE <b>FOIA EX. 6</b>		15. DATE <b>8/29/07</b>	16. ADDITIONAL INFORMATION ATTACHED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
17. DIVISION DIRECTOR APPROVAL			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL)			

a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <i>[Signature]</i>	c. TITLE <i>RE</i>	d. DATE <i>9/15/07</i>
19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.			

EPA REGION 2 FORM R 3120-1 (revised 10/96)

INSTRUCTIONS
<p>Item 5 - Self-Employment: If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.</p> <p>Item 10 - Federal Grants or Contracts Involved: Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.</p> <p>Item 16 - Attachments: Be sure to sign copies of all attachments submitted.</p>
<p>ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL</p>
<p>ITEM 21 - REASON FOR DISAPPROVAL</p>

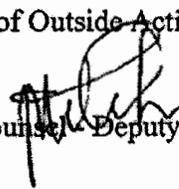
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

FOIA 606  
606

DATE: APR 25 2007

SUBJECT: Request for Approval of Outside Activity - FOIA 606

FROM: Mitchell S. Cohen  
Associate Regional Counsel - Deputy Ethics Official

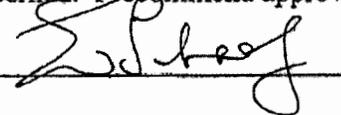


TO: Eric Schaaf  
Regional Counsel - Deputy Ethics Official (ORC)

I have reviewed a request for approval of outside activity submitted by FOIA 606 seeks renewed approval to engage in outside employment as an adjunct lecturer in environmental law at the University School of Law. These elective courses constitute part of the Law School's J.D. program. As teaching a course as part of a law school's degree program is considered to be "professional practice" according to the OGE regulations, formal approval is required by the Agency's supplemental regulation on outside employment at 5 C.F.R. §6401.103(a). 606 will be compensated by the University for this teaching assignment.

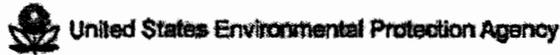
Notwithstanding the OGE's general prohibition on teaching, speaking or writing for compensation on subject matter that bears some relation to official duties, compensated teaching is permitted when the course is part of an accredited university's established curriculum, as Joe's courses are. 5 C.F.R. §2635.807(a)(3). The request, therefore, presents no problem insofar as approval is concerned. I recommend approval.

APPROVED



DISAPPROVED \_\_\_\_\_

**Region 2**



HUMAN RESOURCES > REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

Printer Friendly Page For...

**REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY**

REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY		<input type="checkbox"/> INITIAL REQUEST <input type="checkbox"/> REVISED REQUEST <input checked="" type="checkbox"/> RENEWAL	
1. NAME (Last, First, Initial) <i>FOIA EX6</i>		2. DIVISION/BRANCH <i>ORC/ART</i>	
3. POSITION TITLE <i>Asst. Regional Counsel</i>		4. GRADE AND SALARY <i>15 \$142,978</i>	
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FROM WHOM OUTSIDE SERVICES WILL BE PERFORMED <i>GLU Law School FOIA EX6 1803</i>		6. LOCATION WHERE SERVICES WILL BE PERFORMED <i>Parent Law School</i>	
7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.) <i>Teach environmental law courses on a semester basis, usually one night per week.</i>			
8. ESTIMATED TIME INVOLVED			
a. PERIOD COVERED FROM <i>4/07</i> TO <i>Indefinite</i>		b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (If on a continuing basis, give estimated time per year) <i>2 hrs/week - 14 weeks</i>	
c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK <i>semester</i>			
9. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (Describe) <i>courses are on environmental law including Clean Air Act &amp; Climate Change</i>			
10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOUR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (Describe) <i>Not to my knowledge</i>			
11. METHOD OR BASIS OF COMPENSATION <input type="checkbox"/> FEE <input type="checkbox"/> HONORARIUM <input checked="" type="checkbox"/> OTHER (Specify) <i>Per semester</i> <input type="checkbox"/> PER DIEM <input type="checkbox"/> PER ANNUM <input type="checkbox"/> ROYALTY <input type="checkbox"/> EXPENSES		12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)	
13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED IN 5 CFR PART 2635 AND 6401.102.			
14. SIGNATURE OF EMPLOYEE <i>FOIA EX6</i>		15. DATE <i>4/25/07</i>	16. ADDITIONAL INFORMATION ATTACHED <input type="checkbox"/> YES <input type="checkbox"/> NO
17. DIVISION DIRECTOR APPROVAL			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE

18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL)			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <i>[Signature]</i>	c. TITLE <i>EC</i>	d. DATE <i>4/27/07</i>
19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.			

EPA REGION 2 FORM R 3120-1 (revised 10/96)

INSTRUCTIONS
<p>Item 5 - Self-Employment: If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.</p> <p>Item 10 - Federal Grants or Contracts Involved: Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.</p> <p>Item 16 - Attachments: Be sure to sign copies of all attachments submitted.</p>
ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL
ITEM 21 - REASON FOR DISAPPROVAL

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

DATE: JUL - 5 2006

SUBJECT: Request for Approval of Outside Activity - FCA ~~66~~

FROM: Mitchell S. Cohen   
Associate Regional Counsel

TO: Eric Schaaf  
Regional Counsel - Deputy Ethics Official (ORC)

I have reviewed ~~66~~'s request for formal approval of his proposed outside employment. He is seeking approval to participate as a speaker before the FCA ~~66~~'s Committee on Sustainable Development. This engagement will take place at a monthly sustainability conference to be held here in New York City on July 18. ~~66~~ will not be compensated for this engagement, which nonetheless constitutes "employment" per the Agency's regulation on outside employment at 5 C.F.R. §6401.103(e). As this work involves subject matter that deals in significant part with EPA policies, programs and operations, formal approval to engage in it is required by 5 C.F.R. §6401.103(a)(4). Upon reviewing this request, I have also referred to the OGE regulations on misuse of position and outside activities in Subparts G and H, respectively, in 5 C.F.R. Part 2635.

There appears to be no potential for conflict of interest between ~~66~~'s ORC duties and the speaking engagement that he will undertake in his private capacity. There is, of course, the usual reminder concerning the need to avoid using Agency resources, time and equipment in connection with this outside employment except as consistent with the Agency's policy on de minimis usage of such. Assuming adherence to the above-mentioned standards of conduct, I recommend approval of ~~66~~'s request. A copy of this memo, once approved, should be given to him and the approved request form should be placed in his confidential financial disclosure file.

APPROVE:  for ES 7/5/06

DISAPPROVE: \_\_\_\_\_



United States Environmental Protection Agency

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HUMAN RESOURCES > REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

### REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY		<input checked="" type="checkbox"/> INITIAL REQUEST <input type="checkbox"/> REVISED REQUEST <input type="checkbox"/> RENEWAL
1. NAME (Last, First, Initial) <i>FOIA EXC 1</i>		2. DIVISION/BRANCH <i>ORC/Air</i>
3. POSITION TITLE <i>Attorney</i>		4. GRADE AND SALARY <i>15 \$135,000</i>
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM SERVICES WILL BE PERFORMED <i>Committee on Sustainable Development, FOIA EXC 10 10026</i>		6. LOCATION WHERE SERVICES WILL BE PERFORMED <i>FOIA EXC 1</i>
7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.)  <i>I will be speaking at a monthly sustainability conference series on 7/18/06.</i>		
8. ESTIMATED TIME INVOLVED <i>4.5 hours</i>		
a. PERIOD COVERED FROM <i>7/18/06</i> TO <i>7/18/06</i>		b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (If on a continuing basis, give estimated time per year) <i>4.5 hrs.</i>
c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK <i>4.5 hours</i>		
9. DO YOU OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (Describe) <i>I will be speaking about climate change + have done so in my official capacity in the past.</i>		
10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOUR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <i>I will not be providing such services</i>		
11. METHOD OR BASIS OF COMPENSATION <input type="checkbox"/> FEE <input type="checkbox"/> HONORARIUM <input checked="" type="checkbox"/> OTHER (Specify) <i>No compensation</i> <input type="checkbox"/> PER DIEM <input type="checkbox"/> PER ANNUM <input type="checkbox"/> ROYALTY <input type="checkbox"/> EXPENSES		12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)
13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED IN 5 CFR PART 2635 AND § 6401.102.		
14. SIGNATURE OF EMPLOYEE  <i>FOIA EXC</i>		15. DATE  <i>6/30/06</i>
16. ADDITIONAL INFORMATION ATTACHED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		

V

17. DIVISION DIRECTOR APPROVAL			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
	<i>[Signature]</i>	Acty RC	7-1-08
18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL)			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
	<i>[Signature]</i>	Acty RC	7-1-08
19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
	<i>[Signature]</i>	Acty RC	7-1-08
APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.			

EPA REGION 2 FORM R 3120-1 (revised 10/96)

INSTRUCTIONS
<p>Item 5 - Self-Employment: If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.</p> <p>Item 10 - Federal Grants or Contracts Involved: Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.</p> <p>Item 16 - Attachments: Be sure to sign copies of all attachments submitted.</p>
<p>ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL</p>
<p>ITEM 21 - REASON FOR DISAPPROVAL</p>

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

14  
FOIA EX 6  
011 file

DATE: NOV 2 2003

SUBJECT: Request for Approval of Outside Activity - FOIA EX 6

FROM: Mitchell S. Cohen *Mitch*  
Associate Regional Counsel

TO: Eric Schaaf *Approved: E.S.F.*  
Deputy Regional Counsel - Deputy Ethics Official (ORC)

I have reviewed *EX 6*'s request for formal approval of his proposed outside employment. He is seeking approval to provide legal services to clientele of a nonprofit organization known as *FOIA EX 6* ( " *EX 6* "). The mission of *EX 6* is to assist indigent elderly individuals with matters such as estate planning, living wills, basic wills, etc. *EX 6* will not be compensated for these services to clientele of *EX 6*. As this work entails practice of a profession, formal approval to engage in it is required by the Agency's supplemental regulation on outside employment at 5 C.F.R. §6401.103(a). Upon reviewing this request, I have also referred to the OGE regulations on misuse of position and outside activities in Subparts G and H, respectively, in 5 C.F.R. Part 2635.

There appears to be no potential for conflict of interest between *EX 6*'s ORC duties and the legal services he will be providing on behalf of *FOIA EX 6*. There is, of course, the usual reminder concerning the need to avoid using Agency resources, time and equipment in connection with this outside employment except as consistent with the Agency's policy on de minimis usage of such. Assuming adherence to the above-mentioned standards of conduct, I recommend approval of *EX 6* request. A copy of this memo, once approved, should be given to him and the approved request form should be placed in his confidential financial disclosure file.

**Region 2**



United States Environmental Protection Agency

HUMAN RESOURCES > REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

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**REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY**

REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY		<input checked="" type="checkbox"/> INITIAL REQUEST <input type="checkbox"/> REVISED REQUEST <input type="checkbox"/> RENEWAL
1. NAME (Last, First, Initial): <i>FOIA EX6</i>	2. DIVISION/BRANCH <i>ORC-Air</i>	
3. POSITION TITLE <i>Attorney</i>	4. GRADE AND SALARY <i>GS-15</i>	
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SERVICES WILL BE PERFORMED <i>Self Employment on legal matters</i>	6. LOCATION WHERE SERVICES WILL BE PERFORMED <i>FOIA exemption (b) 1</i>	
7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.)  <i>Sole practice occasionally representing clients on legal matters unrelated to my official duties.</i>		
8. ESTIMATED TIME INVOLVED <i>Sporadic - currently about 10 hrs. time over 2 months.</i>		
a. PERIOD COVERED FROM <i>11/24/04</i> TO <i>11/24/04</i>	b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (If on a continuing basis, give estimated time per year) <i>Uncertain - See(8)</i>	
c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK <i>It is possible that in some rare circumstances a few hours of leave may be taken, but I have no such plans now.</i>		
9. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)		
10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOUR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)		
11. METHOD OR BASIS OF COMPENSATION <input checked="" type="checkbox"/> FEE <input type="checkbox"/> HONORARIUM  <input type="checkbox"/> OTHER (Specify) <input type="checkbox"/> PER DIEM <input type="checkbox"/> PER ANNUM <input type="checkbox"/> ROYALTY <input checked="" type="checkbox"/> EXPENSES	12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)	
13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED IN 5 CFR PART 2635 AND &#sect; 6401.102.		
14. SIGNATURE OF EMPLOYEE <i>[Signature]</i> <i>FOIA EX6</i>	15. DATE <i>11/24/04</i>	16. ADDITIONAL INFORMATION ATTACHED

			[ ] YES [ ] NO
17. DIVISION DIRECTOR APPROVAL			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL)			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <i>[Signature]</i>	c. TITLE <i>Director</i>	d. DATE <i>12/20/04</i>
19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.			

EPA REGION 2 FORM R 3120-1 (revised 10/96)

INSTRUCTIONS
<p>Item 5 - Self-Employment: If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.</p> <p>Item 10 - Federal Grants or Contracts Involved: Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.</p> <p>Item 16 - Attachments: Be sure to sign copies of all attachments submitted.</p>
<p>ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL</p>
<p>ITEM 21 - REASON FOR DISAPPROVAL</p>

APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.

EPA REGION 2 FORM R 3120-1 (revised 10/96)

### INSTRUCTIONS

Item 5 - Self-Employment: If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.

Item 10 - Federal Grants or Contracts Involved: Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.

Item 16 - Attachments: Be sure to sign copies of all attachments submitted.

ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL

ITEM 21 - REASON FOR DISAPPROVAL

Contact: [sommerman.alan@epa.gov](mailto:sommerman.alan@epa.gov)



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### REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY		<input checked="" type="checkbox"/> INITIAL REQUEST <input type="checkbox"/> REVISED REQUEST <input type="checkbox"/> RENEWAL	
1. NAME (Last, First, Initial) <b>FOIA EXC</b>		2. DIVISION/BRANCH <b>ORL-Asst</b>	
3. POSITION TITLE <b>Asst. Regional Counsel</b>		4. GRADE AND SALARY <b>GS-15</b>	
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SERVICES WILL BE PERFORMED		6. LOCATION WHERE SERVICES WILL BE PERFORMED <b>FOIA EXC ; My office, Home of Client</b>	
7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.) <b>Assist indigent elderly in life planning through</b>			
8. ESTIMATED TIME INVOLVED <b>1-2 hrs/week average</b>			
a. PERIOD COVERED FROM <b>12/03</b> TO <b>Indefinitely</b>		b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (If on a continuing basis, give estimated time per year) <b>50-100 hrs/yr.</b>	
c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK			
9. DO YOU OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)			
10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOUR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)			
11. METHOD OR BASIS OF COMPENSATION <input type="checkbox"/> FEE <input type="checkbox"/> HONORARIUM <input type="checkbox"/> OTHER (Specify) <b>NO Compensation</b> <input type="checkbox"/> PER DIEM <input type="checkbox"/> PER ANNUM <input type="checkbox"/> ROYALTY <input type="checkbox"/> EXPENSES		12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)	
13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED IN 5 CFR PART 2635 AND &#sect; 6401.102.			
14. SIGNATURE OF EMPLOYEE <b>FOIA EXC</b>		15. DATE <b>11/25/03</b>	16. ADDITIONAL INFORMATION ATTACHED <input type="checkbox"/> YES <input type="checkbox"/> NO
17. DIVISION DIRECTOR APPROVAL			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL)			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <b>[Signature]</b>	c. TITLE <b>DEC</b>	d. DATE <b>11/26/03</b>
19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE

FOIA EXC  
FOIA EXC 3

Request for Approval of Outside Activity - FOIA EXC

Mitchell S. Cohen  
 Assistant Regional Counsel

Walter E. Mugdan  
 Regional Counsel - Deputy Ethics Official (ORC)

I have reviewed the request for approval of outside activity submitted by FOIA EXC. She will be employed as an adjunct lecturer on the staff of the University School of Law in FOIA EXC's beginning in the Spring semester of 2000. The course she will be teaching, Hazardous Waste Law, constitutes part of the established curriculum of the School. FOIA EXC is accredited by the appropriate regional accrediting association. The request was necessitated by the Agency's supplemental regulation on outside activities at 5 C.F.R. Part 6401. Upon reviewing her request, we have also referred to the regulations on outside activities at 5 C.F.R. Part 2635, Subpart H.

Inasmuch as the employee's proposed activity consists of teaching a segment of the regularly established curriculum of an institute of higher education, the proposal is permissible pursuant to 5 C.F.R. §2635.807(a)(3) irrespective of whether or not the subject matter relates to her official duties. Similarly, FOIA EXC's receipt of compensation presents no issue. Furthermore, FOIA EXC may permit use of her official title as one of several biographical details to be included in the school's bulletin provided it is not given more prominence than any other such specifics. I recommend approval of the request.

20RC-WGGL:COHEN:08/06/96:rj:PC DISK #				CONCURRENCES			
SYMBOL	20RC-WGGL	20RC-WGGL	20RC				
SURNAME	COHEN	FERRARA	MUGDAN				
DATE	10/26/99						

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

DATE: January 11, 2011

SUBJECT: Request for Approval of Outside Activity - FOIA EXEMPTIONS

FROM: Mitchell S. Cohen  
TO: Associate Regional Counsel - Assistant Deputy Ethics Official

Eric Schaaf  
Regional Counsel - Deputy Ethics Official (ORC)

I have reviewed Ex 6's request for formal approval of her proposed outside activity. She is seeking approval to serve as both a legal advisor and "food policy advocate" for a non-profit organization known as the FOIA EXEMPTIONS Ex 6 Chapter ("the Chapter") in FOIA EXEMPTIONS Ex 6. More specifically, she will provide these services while serving on the Chapter's steering committee. She will be serving in a purely voluntary and private capacity. The committee will orchestrate support in the local community for key issues concerning agriculture and food systems. As this work entails practice of a profession, formal approval to engage in it is required by the Agency's supplemental regulation on outside employment at 5 C.F.R. §6401.103(a). Upon reviewing this request, I have also referred to the OGE regulations on misuse of position and outside activities in Subparts G and H, respectively, in 5 C.F.R. Part 2635.

There appears to be no conflict of interest between Ex 6's ORC duties and the services she will be providing to the Chapter. Because the substance of her work on behalf of the Chapter does not appear to have very much of a nexus with EPA programs, recitation of the usual caveats, e.g., avoidance of appearance of governmental sanction of the outside activity, appears to be unnecessary. For the reasons stated above, I recommend approval of Ex 6 request. A copy of this memo, once approved, should be given to her and the approved request form should be placed in her confidential financial disclosure file.

APPROVE: \_\_\_\_\_

DATE: 1/11/11

DISAPPROVE: \_\_\_\_\_

# Region 2



United States Environmental Protection

HUMAN RESOURCES > REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

Printer Friendly Page For...

## REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY		<input checked="" type="checkbox"/> INITIAL REQUEST <input type="checkbox"/> REVISED REQUEST <input type="checkbox"/> RENEWAL
1. NAME (Last, First, Initial) <u>FOIA EX 6</u> ?	2. DIVISION/BRANCH <u>ORC-NYCSB</u>	
3. POSITION TITLE <u>Asst. Regional Counsel</u>	4. GRADE AND SALARY <u>GS-13</u>	
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHICH SERVICES WILL BE PERFORMED <u>FOIA EX 6 y chapter FOIA EX 6</u>	6. LOCATION WHERE SERVICES WILL BE PERFORMED	
7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.) • work <del>on</del> <u>evenings - weekends</u> • volunteer for steering committee in role of "Legal Advisor/Food Policy Advocate" - non-paid, non-voting position • maintain pulse of federal state issues concerning agriculture + food <del>system</del> systems • orchestrate community support of key issues • review all slow food USA political advocacy projects + assist in translating for chapter support		
8. ESTIMATED TIME INVOLVED <u>3 hr/week</u>		
a. PERIOD COVERED FROM <u>1/10/11</u> TO <u>1/10/12</u>	b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (If on a continuing basis, give estimated time per year) <u>150 hr/year</u>	
c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK <u>0</u>		
9. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY? <u>However,</u> <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe) <u>I will be providing legal services</u>		
10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOUR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? <input type="checkbox"/> NO <input type="checkbox"/> YES (Describe) <u>I don't know</u>		
11. METHOD OR BASIS OF COMPENSATION <u>no compensat</u> <input type="checkbox"/> FEE <input type="checkbox"/> HONORARIUM <input type="checkbox"/> OTHER (Specify) <u>volunteer position</u> <input type="checkbox"/> PER DIEM <input type="checkbox"/> PER ANNUM	12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)	

<input type="checkbox"/> ROYALTY		<input type="checkbox"/> EXPENSES	
13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED IN 5 CFR PART 2635 AND &#sect; 6401.102.			
14. SIGNATURE OF EMPLOYEE  FOIA EX6		15. DATE  1/7/11	16. ADDITIONAL INFORM ATTACHED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
17. DIVISION DIRECTOR APPROVAL			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL)			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d.
APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE ETHICS OFFICIAL.			

EPA REGION 2 FORM R 3120-1 (revised 10/96)

INSTRUCTIONS
<p>Item 5 - Self-Employment: If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others their names, and, if providing professional services to a large number of client patients, estimate the total number rather than listing them separately.</p> <p>Item 10 - Federal Grants or Contracts Involved: Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involve directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject dealings between institutions and government units and the Federal Government.</p> <p>Item 16 - Attachments: Be sure to sign copies of all attachments submitted.</p>

ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL

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ITEM 21 - REASON FOR DISAPPROVAL

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Contact: [feeley.james@epa.gov](mailto:feeley.james@epa.gov)

Created: 04/08/2003 11:58:40 AM -- Last Modified: 11/16/2006 3:09:05 PM

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

DATE: APR - 3 2003

SUBJECT: Request for Approval of Outside Activity - FOIA EXC

FROM: Mitchell S. Cohen *msc*  
Associate Regional Counsel - Deputy Ethics Official

TO: Eric Schaaf  
Deputy Regional Counsel - Special Deputy Ethics Official (ORC)

I have reviewed a request for approval of outside activity submitted by FOIA EXC 1. EXC seeks approval to engage in outside employment as an adjunct lecturer in the University's School of Law. This elective course, the subject matter of which is the protection of cultural resources, constitutes part of the Law School's J.D. program. As teaching a course as part of a law school's degree program is considered to be "professional practice" according to the OGE regulations, formal approval is required by the Agency's supplemental regulation on outside employment at 5 C.F.R. §6401.103(a). He will be compensated by the University for this teaching assignment.

Notwithstanding the OGE's general prohibition on teaching, speaking or writing for compensation on subject matter that bears some relation to official duties, compensated teaching is permitted when the course is part of an accredited university's established curriculum, as FOIA EXC course is. 5 C.F.R. §2635.807(a)(3). The request, therefore, presents no problem insofar as approval is concerned. I recommend approval.

Approved: *E. Schaaf* 4/8/03

REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY		<input checked="" type="checkbox"/> INITIAL REQUEST <input type="checkbox"/> REVISED REQUEST <input type="checkbox"/> RENEWAL	
1. NAME (Last, First, Initial) <u>FOIA EXC</u>		2. DIVISION/BRANCH <u>ORR - WTSB</u>	
3. POSITION TITLE <u>Assistant Regional Counsel</u>		4. GRADE AND SALARY <u>GS 14-7</u>	
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SERVICES WILL BE PERFORMED <u>FOIA EXC Law School</u>		6. LOCATION WHERE SERVICES WILL BE PERFORMED	
7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.) <u>Teaching. I will be teaching a course on the protection of cultural resources on Tuesdays + Thursdays from 6:00 p.m. until 8:00 p.m. during the summer school session.</u>			
8. ESTIMATED TIME INVOLVED <u>4 hours per week teaching</u>			
a. PERIOD COVERED FROM <u>6/3/03</u> TO <u>7/17/03</u>		b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (if on a continuing basis, give estimated time per year) <u>approximately 25 hours of teaching</u>	
c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK _____			
9. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)			
10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOUR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)			
11. METHOD OR BASIS OF COMPENSATION <input checked="" type="checkbox"/> FEE <input type="checkbox"/> HONORARIUM <input type="checkbox"/> OTHER (Specify) <input type="checkbox"/> PER DIEM <input type="checkbox"/> PER ANNUM <input type="checkbox"/> ROYALTY <input type="checkbox"/> EXPENSES		12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)	
13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED IN 5 CFR PART 2635 AND § 6401.102.			
14. SIGNATURE OF EMPLOYEE <u>FOIA EXC</u>		15. DATE <u>4/3/03</u>	16. ADDITIONAL INFORMATION ATTACHED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
17. DIVISION DIRECTOR APPROVAL			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL)			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <u>[Signature]</u>	c. TITLE <u>Deputy ec</u>	d. DATE <u>4/4/03</u>
19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.			

### INSTRUCTIONS

Item 5 - Self-Employment: If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.

Item 10 - Federal Grants or Contracts Involved: Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.

Item 16 - Attachments: Be sure to sign copies of all attachments submitted.

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ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL

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ITEM 21 - REASON FOR DISAPPROVAL

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

DATE: 26 SEP 1996

SUBJECT: Request for Outside Activity - FOIA EXC

FROM: *Walter E. Mugdan*  
Walter E. Mugdan  
Regional Counsel

TO: William J. Muszynski, P.E.  
Deputy Regional Administrator - Deputy Ethics Official

This office has reviewed the outside activity request from ~~FOIA EXC~~ of the Division of Environmental Planning & Protection. ~~FOIA EXC~~ seeks approval to present a series of eight (8) lectures, on a compensated basis, for the Center of Professional Advancement. The lectures will deal with general environmental engineering principles. He asserts that the content of the lectures will have no relation to his current, or any prospective, work with the Agency.

In reviewing this request, we have referred to the regulations on outside activities codified at 5 C.F.R. Part 2635, Subpart H, as well as the Agency's supplemental regulations at 5 C.F.R. § 6401.103. We note that the proposed subject matter of the lectures will deal generally with a subject within the Agency's area of responsibility. The pertinent regulation at 5 C.F.R. § 2635.807(a)(2)(i) indicates the criteria used to determine if teaching, speaking, and writing activities are related to official duties. This regulation also unequivocally states that subject matter that is only generally related to the Agency's areas of responsibility, and that deals with matter that is inherently within the employee's expertise, will not preclude that employee from speaking on that subject matter for compensation.

We find that ~~FOIA EXC~~'s proposed outside activity is permissible to the extent that it does not violate the criteria in the above-cited regulation. In other words, his lectures will not relate to official duties (and thus will be permissible) to the extent that they do not deal in significant part with any work that is currently assigned to him (or that has been so assigned during the previous year). The subject matter must also avoid dealing significantly with any of the Agency's announced policies, programs, or operations. Assuming compliance with these caveats (which are noted in Item 17 of the request form), we recommend approval of the request.

# REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY\*

- Initial request
- Renewed Request
- Renewal

1. NAME (Last, First, Initial) <u>FOIA ex 6</u>	2. ORGANIZATIONAL LOCATION EPA - Region II - DEPP
3. TITLE OF POSITION RCRA Senior Policy Advisor	4. GRADE AND SALARY GS-15
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SERVICES WILL BE PERFORMED <u>FOIA exemptions</u>	6. LOCATION WHERE SERVICES WILL BE PERFORMED <u>FOIA exemptions</u>

7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, committee services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of week and hours of day proposed activity will be performed.)

Teaching - For a total of 8 nights per year, I will be presenting a lecture on general environmental engineering principles. The material to be presented is in no way related to any work I have or expect to be involved with at EPA.

8. ESTIMATED TIME INVOLVED	
a. PERIOD COVERED Yearly FROM TO	b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (If on a continuing basis, give estimated time per year) 3hrs. x 8 lectures = 24hrs. per year
c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORKING HOURS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF "NO", INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK _____	
9. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)	
10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOUR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)	

11. METHOD OR BASIS OF COMPENSATION <input checked="" type="checkbox"/> FEE <input type="checkbox"/> HONORARIUM <input type="checkbox"/> PER DIEM <input type="checkbox"/> PER ANNUM <input type="checkbox"/> ROYALTY <input type="checkbox"/> EXPENSES <input type="checkbox"/> OTHER (Specify)	12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)
--	--

13. THIS REQUEST IS MADE WITH FULL KNOWLEDGE OF DEPARTMENT AND OPERATING AGENCY POLICY AND PROCEDURES ON OUTSIDE ACTIVITIES. THE STATEMENTS I HAVE MADE ARE TRUE, COMPLETE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

14. STATUS OF EMPLOYEE <u>FOIA exemption</u>	15. DATE <u>8/28/96</u>	16. ADDITIONAL INFORMATION ATTACHED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
---	----------------------------	--

17. DIVISION/OFFICE DIRECTOR APPROVAL			
a. <input checked="" type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <u>K Callahan</u>	c. TITLE Kathleen C Callahan Director	d. DATE <u>9/20/96</u>
18. ACTION RECOMMENDED			
a. <input checked="" type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <u>Wanda Bell</u>	c. TITLE Regional Counsel	d. DATE <u>9/26/96</u>
19. ACTION TAKEN			
a. <input checked="" type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <u>Walt</u>	c. TITLE Deputy Regional Administrator	d. DATE <u>9/28/96</u>

## I N S T R U C T I O N S

Item 5 - Self-Employment: If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners, giving their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.

Item 10 - Federal Grants or Contracts Involved: Describe the Federal grants or contracts (type, granting or contracting department, etc.) Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant applications, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.

Item 16 - Attachments: Be sure to sign copies of all attachments submitted.

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### ITEM 17 - COMMENTS OF RECOMMENDING OFFICIAL

The employee is reminded that the subject matter of his proposed lectures may not deal with any work that is currently assigned to him, or that has been assigned to him during the previous year. Additionally, the subject matter of the speaking engagement may not deal significantly with any of the Agency's announced policies, programs, or operations. Approval of this request is contingent on compliance with these limitations.

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### ITEM 18 - REASON FOR DISAPPROVAL

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

etc  
file

DATE:

APR 17 2006

SUBJECT:

Request for Approval of Outside Activity FOIA EXC

FROM:

Mitchell S. Cohen  
Associate Regional Counsel - Special Deputy Ethics Official

TO:

Eric Schaaf  
Regional Counsel - Deputy Ethics Official (ORC)

I have reviewed a request for approval of outside activity submitted by FOIA EXC  
EXC seeks approval to engage in outside employment as an adjunct lecturer in EXC College's  
School of Public Affairs ("the School") commencing in June. This elective graduate course, the  
subject matter of which is intended to introduce students to the major features and debates in  
environmental policy, particularly in the metropolitan environment in the United States,  
constitutes part of the curriculum of the School's Master of Public Administration degree  
program. As the content of a course such as this arguably deals in significant part with EPA's  
policies, programs and/or operations, formal approval is required by the Agency's supplemental  
regulation on outside employment at 5 C.F.R. §6401.103(a). EXC will be compensated by the  
University for this teaching assignment.

Notwithstanding the OGE's general prohibition on teaching, speaking or writing for  
compensation on subject matter that bears some relation to official duties, compensated teaching  
is permitted when the course is part of an accredited university's established curriculum, as  
EXC course is. 5 C.F.R. §2635.807(a)(3). The request, therefore, presents no problem insofar as  
approval is concerned. I recommend approval.

Approved [Signature] ES 5/2/06

Region 2



United States Environmental Protection Agency

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REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

- INITIAL REQUEST
- REVISED REQUEST
- RENEWAL

1. NAME (Last, First, Initial) FAA EXEMPTION 2. DIVISION/BRANCH ORC-WTS

3. POSITION TITLE GENERAL ATTORNEY 4. GRADE AND SALARY 14, STEP 9

5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SERVICES WILL BE PERFORMED 6. LOCATION WHERE SERVICES WILL BE PERFORMED

EXU COLLEGE - ILL EXU COLLEGE, FOREIGN

7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.)

I AM SCHEDULED TO TEACH A GRADUATE LEVEL COURSE IN ENVIRONMENTAL POLICY AT BARUCH'S SCHOOL OF PUBLIC AFFAIRS

8. ESTIMATED TIME INVOLVED

a. PERIOD COVERED FROM JUNE 5 TO JULY 6, 2006 b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (If on a continuing basis, give estimated time per year) ABT 30-33 HRS

c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS?  YES  NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK TWICE/WEEK, 5.45 START I WILL TAKE LEAVE; COURSE LASTS 3 WEEKS

9. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY? COURSE LASTS 3 WEEKS

NO  YES (Describe)

10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOUR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY?  NO  YES (Describe) NOT TO MY KNOWLEDGE

11. METHOD OR BASIS OF COMPENSATION

FEE  HONORARIUM

- OTHER (Specify)
- PER DIEM  PER ANNUM
- ROYALTY  EXPENSES

12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT?  NO  YES (Describe)

NOT TO MY KNOWLEDGE

13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED IN 5 CFR PART 2635 AND &#sect; 6401.102

14. SIGNATURE OF EMPLOYEE FAA EXEMPTION

15. DATE 4/12/2006

16. ADDITIONAL INFORMATION ATTACHED  YES  NO

17. DIVISION DIRECTOR APPROVAL			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <i>[Signature]</i>	c. TITLE <i>RC</i>	d. DATE <i>4/28/06</i>
18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL):			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <i>[Signature]</i>	c. TITLE <i>RC</i>	d. DATE <i>4/28/06</i>
19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <i>[Signature]</i>	c. TITLE <i>Acting RC</i>	d. DATE <i>4/28/06</i>
APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.			

EPA REGION 2 FORM R 3120-1 (revised 10/96)

**INSTRUCTIONS**

Item 5 - Self-Employment: If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.

Item 10 - Federal Grants or Contracts Involved: Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.

Item 16 - Attachments: Be sure to sign copies of all attachments submitted.

**ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL**

**ITEM 21 - REASON FOR DISAPPROVAL**

# Region 2



United States Environmental Protection Agency

HUMAN RESOURCES > REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

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## REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY		<input checked="" type="checkbox"/> INITIAL REQUEST <input type="checkbox"/> REVISED REQUEST <input type="checkbox"/> RENEWAL	
1. NAME (Last, First, Initial) <b>FOIA EXC</b>		2. DIVISION/BRANCH <b>OPA/NYCRRO</b>	
3. POSITION TITLE <b>Toxicologist</b>		4. GRADE AND SALARY <b>14-121,548</b>	
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SERVICES WILL BE PERFORMED		6. LOCATION WHERE SERVICES WILL BE PERFORMED <b>Home</b>	
7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.) <b>Edit a textbook on Exposure Guideline Development for chemical, biological and radiological agents. Work will be nights and weekends. (See attachment)</b>			
8. ESTIMATED TIME INVOLVED			
a. PERIOD COVERED FROM _____ TO _____		b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (If on a continuing basis, give estimated time per year) <b>one 8 weeks for year</b>	
c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS? <input type="checkbox"/> YES <input type="checkbox"/> NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK _____			
9. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (Describe) <b>Developed exposure guidelines for WTC COPC*</b>			
10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOUR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? <input type="checkbox"/> NO <input type="checkbox"/> YES (Describe)			
11. METHOD OR BASIS OF COMPENSATION <input type="checkbox"/> FEE <input type="checkbox"/> HONORARIUM <input type="checkbox"/> OTHER (Specify) <input type="checkbox"/> PER DIEM <input type="checkbox"/> PER ANNUM <input checked="" type="checkbox"/> ROYALTY <input type="checkbox"/> EXPENSES		12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)	
13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED IN 5 CFR PART 2635 AND &#sect; 6401.102.			
14. SIGNATURE OF EMPLOYEE <b>FOIA EXC</b>		15. DATE <b>1/24/07</b>	16. ADDITIONAL INFORMATION ATTACHED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
17. DIVISION DIRECTOR APPROVAL			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <i>[Signature]</i>	c. TITLE <b>WTC COORDINATOR</b>	d. DATE <b>1/30/07</b>
18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL)			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <i>[Signature]</i>	c. TITLE <b>RC</b>	d. DATE <b>2/1/07</b>
19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)			

\*Contaminants of Potential Concern

a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <i>Matthew Callahan</i>	c. TITLE <i>Deputy Regional Administrator</i>	d. DATE <i>2/15/07</i>
APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.			

EPA REGION 2 FORM R 3120-1 (revised 10/96)

INSTRUCTIONS
<p>Item 5 - Self-Employment: If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.</p>
<p>Item 10 - Federal Grants or Contracts Involved: Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.</p>
<p>Item 16 - Attachments: Be sure to sign copies of all attachments submitted.</p>
<p>ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL          The employee is advised to pay close attention to the restrictions set forth in the Regional Counsel memo, a copy of which should be furnished to him.</p>
<p>ITEM 21 - REASON FOR DISAPPROVAL</p>

Contact: feeley.james@epa.gov  
Created: 04/08/2003 11:58:40 AM -- Last Modified: 11/16/2006 3:09:05 PM

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

DATE:

8/17

SUBJECT: Request for Approval of Outside Activity - FOIA EXC

FROM: Eric Schaaf  
Regional Counsel - Deputy Ethics Official (ORC)

TO:

Kathleen C. Callahan  
Deputy Regional Administrator - Deputy Ethics Official

We have reviewed a request for approval of outside activity submitted to ORC by FOIA EXC of the NYCRR. FOIA EXC seeks approval to engage in outside employment as an editor of a textbook on what he describes as "Exposure Guideline Development for chemical, biological and radiological agents." (See request form). He will receive royalties for this written work. Formal approval is necessitated by the Agency's supplemental regulation on outside employment at 5 C.F.R. §6401.103 and 6401.103(a)(4) particularly in that the subject matter of this proposed outside employment bears some relation to programs with which the Agency is involved. Upon reviewing EXC's request, we have referred to the ONE regulations concerning misuse of position and outside activities codified at 5 C.F.R. Part 2635, Subparts G and H, respectively.

We have found it necessary to scrutinize this request to a greater degree than has been the case with most requests for approval of outside employment. Our initial concerns were that the subject matter might begin to focus on specific EPA programs and initiatives. If this were to be the case, we could not recommend approval as such would violate the ONE regulation at 5 CFR 2635.807 prohibiting acceptance of compensation for writing on matters relating to official duties. Indeed, the problematic issue presented by this request concerns the degree of relation to official duties of the proposed editing work for which FOIA EXC seeks approval.

To clarify and explain our concerns, Mitch Cohen met with FOIA EXC and his supervisor, which was followed up by a phone conversation between Mitch and EXC. Mitch requested that EXC fully delineate in writing the circumstances in which the offer to engage in this compensated activity was extended to him and to further address the concerns we posed concerning the regulatory term of art of "relation to official duties." (See attached memo from EXC dated January 29, 2007.)

EXC indicates in his memo that he has been active in activities of the Society of Toxicology, the membership of which consists of toxicologists in the academic community and elsewhere. He asserts that while EPA scientists are "typically well represented at the Society's annual meeting," the Agency has no official connection to the organization. He also indicates that he chaired the 2005 annual meeting of this organization. He states that he was approached to engage in the editing project by the publisher not because of his EPA position but, rather, because of his academic work (doctorate from FOIA EXC University) and previous employment in the field of toxicology, which is known in the "toxicology community." He further asserts that

while the subject matter of the book he proposes to edit will reference some EPA publications and will deal to some extent with his current Agency duties, such references will not be the focus of the work; nor will his official duties in Region 2 be dealt with in significant part. (Again, see his memo.) In essence, he asserts that the editing work will center on subject matter that is inherently within his area of expertise based on his academic work and professional background. This is acceptable per 5 CFR 2635.807(a).

Because of the concerns presented by this request for approval, notably the appearance of misuse of official position for personal gain, Mitch decided that consultation with the Senior Counsel for Ethics at OGC, Justina Fugh, was appropriate. Together, they have determined that provisional approval can be recommended so long as the subject matter of the work does not deal in significant part with specific EPA programs, policies and operations or any of the duties that are assigned to him or that have been assigned to him in during the previous one-year period. Similarly, ~~EW~~ is reminded that he may not use in this work any information that he may acquire, or may have acquired, in the course of performing his official duties that was not intended for public dissemination. 5 CFR 2635.703.

Finally, he is to be informed that while he may make reference in the book to his official title, such reference in his biographical details should be given no more prominence than other such details. He should also include a disclaimer to the effect that the EPA does not endorse the publication and that the views expressed therein do not necessarily represent the position of the Agency with respect to any particular matter or issue discussed in the book. Should any of these restrictions be violated, approval should be rescinded and such violation should be dealt with administratively. In light of the foregoing discussion, we recommend approval contingent on adherence to these caveats.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

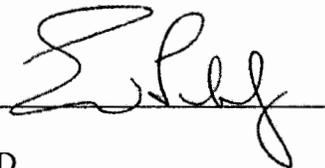
DATE: JAN 16 2007  
SUBJECT: Request for Approval of Outside Activity - FOIA ex 6  
FROM: Mitchell S. Cohen  
Associate Regional Counsel - "Special" Deputy Ethics Official  
TO: Eric Schaaf  
Regional Counsel - Deputy Ethics Official (ORC)

I have reviewed a request for approval of outside activity submitted by FOIA ex 6. She seeks approval to engage in outside employment in the area of computer consulting for her spouse's firm, which includes service as the corporate secretary, work on access database development, etc. She will be compensated for these services, which she will perform on weekends and on her compressed day off.

Formal approval is necessitated by the Agency's supplemental regulation on outside employment at 5 C.F.R. §6401.103 and 6401.103(a)(1) particularly in that this proposed outside employment entails the rendition of consulting services. Upon reviewing FOIA ex 6 request, I have referred to the OGE regulations concerning misuse of position and outside activities codified at 5 C.F.R. Part 2635, Subparts G and H, respectively.

Upon review of all pertinent facts, I discern no potential for conflict of interest between FOIA ex 6 official ORC/NYCSF duties and her proposed outside employment. I believe that it is unnecessary to remind FOIA ex 6 of the usual caveats concerning use of Agency equipment in connection with her outside employment. I recommend approval of her request.

APPROVED



DATE:

1/16/07

DISAPPROVED

DATE:

**Region 2**



United States Environmental Protection Agency

HUMAN RESOURCES > REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

Printer Friendly Page For...

**REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY**

REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY		<input checked="" type="checkbox"/> INITIAL REQUEST <input type="checkbox"/> REVISED REQUEST <input type="checkbox"/> RENEWAL	
1. NAME (Last, First, Initial) <u>FOIA EX</u>		2. DIVISION/BRANCH <u>DRCHNYCSUB</u>	
3. POSITION TITLE <u>Attorney</u>		4. GRADE AND SALARY <u>GS-14</u>	
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SERVICES WILL BE PERFORMED: <u>FOIA EX</u> <u>FOIA EXEMPTION 6</u>		6. LOCATION WHERE SERVICES WILL BE PERFORMED: <u>FOIA EX</u> <u>FOIA EX. 6</u>	
7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.)  <u>Computer Consulting, corporate secretary, work on Access database development, keep corporate minutes. Work will be performed on compressed day off or Saturday. No more than 23 days per month.</u>			
8. ESTIMATED TIME INVOLVED <u>10-15 hrs./month</u>			
a. PERIOD COVERED FROM <u>1/29/07</u> TO <u>continuing basis</u>		b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (If on a continuing basis, give estimated time per year) <u>About 180/yr.</u>	
c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK _____			
9. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)			
10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOU OR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)			
11. METHOD OR BASIS OF COMPENSATION <input type="checkbox"/> FEE <input checked="" type="checkbox"/> HONORARIUM <input type="checkbox"/> OTHER (Specify) <input type="checkbox"/> PER DIEM <input type="checkbox"/> PER ANNUM <input type="checkbox"/> ROYALTY <input type="checkbox"/> EXPENSES		12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)	
13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED IN 5 CFR PART 2635 AND &#sect; 6401.102.			
14. SIGNATURE OF EMPLOYEE <u>FOIA EXEMPTION 6</u>		15. DATE <u>1/12/07</u>	16. ADDITIONAL INFORMATION ATTACHED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
17. DIVISION DIRECTOR APPROVAL			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE 	c. TITLE <u>RC</u>	d. DATE <u>1/16/07</u>

18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL)			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.			

EPA REGION 2 FORM R 3120-1 (revised 10/96)

INSTRUCTIONS
<p>Item 5 - Self-Employment: If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.</p> <p>Item 10 - Federal Grants or Contracts Involved: Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.</p> <p>Item 16 - Attachments: Be sure to sign copies of all attachments submitted.</p>
<p>ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL</p>
<p>ITEM 21 - REASON FOR DISAPPROVAL</p>

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Contact: [feeley.james@epa.gov](mailto:feeley.james@epa.gov)  
Created: 04/08/2003 11:58:40 AM -- Last Modified: 11/16/2006 3:09:05 PM

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

FOIA EX 6  
File

DATE: March 29, 2007

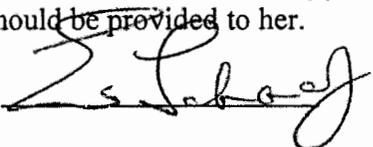
SUBJECT: Request for Approval of Outside Activity - FOIA EX 6

FROM: Mitchell S. Cohen   
Associate Regional Counsel

TO:  
Eric Schaaf  
Regional Counsel - Deputy Ethics Official (ORC)

I have reviewed ~~FOIA EX 6~~'s request for formal approval of her contemplated outside activity. ~~EX 6~~ is seeking approval to engage in outside legal practice on behalf of a small commercial venture known as "FOIA EX 6". Her legal work on behalf of this entity will entail review and negotiation of software licensing agreements as well as representing the firm in all other legal matters. She will receive fees for this work, which will be performed entirely on her own time. As this work obviously entails practice of a profession, formal approval to engage in it is required by the Agency's supplemental regulation on outside employment at 5 C.F.R. §6401.103(a)(2). Upon reviewing this request, I have also referred to the OGE regulations on misuse of position and outside activities in Subparts G and H, respectively, in 5 C.F.R. Part 2635.

Since the subject matter of ~~EX 6~~'s proposed services do not involve any matters related to EPA programs, policies or operations, the usual caveats concerning appearance of impartiality need not be discussed in connection with review of this request. There appears to be no actual or potential conflict between these legal services and her official ORC duties. There is, of course, the usual reminder concerning the need to avoid using Agency resources, time and equipment in connection with this outside employment. Assuming adherence to the above-mentioned standards of conduct, I recommend approval of ~~FOIA EX 6~~'s request. A copy of this memo, once approved, should be provided to her.

APPROVE: 

DISAPPROVE: \_\_\_\_\_

**Region 2**



United States Environmental Protection Agency

HUMAN RESOURCES > REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

Printer Friendly Page For...

**REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY**

REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY		<input checked="" type="checkbox"/> INITIAL REQUEST <input type="checkbox"/> REVISED REQUEST <input type="checkbox"/> RENEWAL	
1. NAME (Last, First, Initial) <u>FOIA ex</u>		2. DIVISION/BRANCH <u>ORC-NYCSOP</u>	
3. POSITION TITLE <u>Attorney</u>		4. GRADE AND SALARY <u>GS-14</u>	
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SERVICES WILL BE PERFORMED <u>FOIA EXEMPTION 6</u>		6. LOCATION WHERE SERVICES WILL BE PERFORMED <u>FOIA EXEMPTION 6</u>	
7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.)  <u>Review and negotiate software licensing agreement, <del>as</del> Will represent the Company as an attorney.</u>			
8. ESTIMATED TIME INVOLVED <u>20-40 hours</u>			
a. PERIOD COVERED FROM <u>March 29/07</u> TO <u>July 31, 2007</u>		b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (If on a continuing basis, give estimated time per year)	
c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK			
9. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)			
10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOU OR YOUR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)			
11. METHOD OR BASIS OF COMPENSATION <input checked="" type="checkbox"/> FEE <input type="checkbox"/> HONORARIUM <input type="checkbox"/> OTHER (Specify) <input type="checkbox"/> PER DIEM <input type="checkbox"/> PER ANNUM <input type="checkbox"/> ROYALTY <input checked="" type="checkbox"/> EXPENSES		12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)	
13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED IN 5 CFR PART 2635 AND § 6401.102.			
14. SIGNATURE OF EMPLOYEE <u>FOIA EXEMPTION 6</u>		15. DATE <u>3/29/07</u>	16. ADDITIONAL INFORMATION ATTACHED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
17. DIVISION DIRECTOR APPROVAL			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE

18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL)			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <i>[Signature]</i>	c. TITLE EC	d. DATE 4/1/07
19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.			

EPA REGION 2 FORM R 3120-1 (revised 10/96)

INSTRUCTIONS
<p>Item 5 - Self-Employment: If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.</p> <p>Item 10 - Federal Grants or Contracts Involved: Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.</p> <p>Item 16 - Attachments: Be sure to sign copies of all attachments submitted.</p>
<p>ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL</p>
<p>ITEM 21 - REASON FOR DISAPPROVAL</p>

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Contact: [feeley.james@epa.gov](mailto:feeley.james@epa.gov)  
Created: 04/08/2003 11:58:40 AM -- Last Modified: 11/16/2006 3:09:05 PM

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

DATE: MAY 18 2006

SUBJECT: Request for Approval of Outside Activity - FOIA exemption

FROM: Mitchell S. Cohen  
Associate Regional Counsel

TO: Eric Schaaf  
Regional Counsel - Deputy Ethics Official

I have reviewed Franco's request for formal approval of her outside employment. She is seeking approval to continue to be able to provide legal and other services to her husband's software company. These services, which are performed on an occasional basis, consist of filing documents, as well as drafting and reviewing of licensing and nondisclosure agreements. She is compensated for this work. As this work entails practice of a profession, formal approval to engage in it is required by the Agency's supplemental regulation on outside employment at 5 C.F.R. §6401.103(a). Upon reviewing this request, I have also referred to the OGE regulations on misuse of position and outside activities in Subparts G and H, respectively, in 5 C.F.R. Part 2635.

There appears to be no potential for conflict of interest between Franco's ORC duties and the services for which she seeks your approval. Her husband's company is not regulated by EPA. There is, of course, the usual reminder concerning the need to avoid using Agency resources, time and equipment in connection with this outside employment except as consistent with the Agency's policy on de minimis usage of such. Assuming adherence to the above-mentioned standards of conduct, I recommend approval of Joe's request. A copy of this memo, once approved, should be given to her and the approved request form should be placed in her confidential financial disclosure file.

Approved: Eric Schaaf, 5/22/06



United States Environmental Protection Agency

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HUMAN RESOURCES > REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

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- Grants
- Contracts
- Information Systems
- Facilities
- Finance
- Library
- Visitors & Travel
- R2 Organization
- Contacts
- R2@Work
- R2 QuickPlace
- Site Index

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Performs Linkage Form

## REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY		<input type="checkbox"/> INITIAL REQUEST <input type="checkbox"/> REVISED REQUEST <input type="checkbox"/> RENEWAL
1. NAME (Last, First, Initial) <i>FOIA exl</i>	2. DIVISION/BRANCH <i>ORC/WTS</i>	
3. POSITION TITLE <i>Ass't Regional Counsel</i>	4. GRADE AND SALARY	
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SERVICES WILL BE PERFORMED <i>FOIA exl</i>	6. LOCATION WHERE SERVICES WILL BE PERFORMED <i>FOIA exl</i>	
7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.)  <i>Very occasional work for husband's software company -- file documents, draft and/or review licensing agreements and non-disclosure documents, keep corporate minutes, pay bills, and maintain tax records.</i>		
8. ESTIMATED TIME INVOLVED <i>2-3 hrs / mth</i>		
a. PERIOD COVERED FROM <i>1996/7</i> TO <i>present</i>	b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (If on a continuing basis, give estimated time per year) <i>25-35 hrs/year</i>	
c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK		
9. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)		
10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOUR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)		
11. METHOD OR BASIS OF COMPENSATION <input type="checkbox"/> FEE <input type="checkbox"/> HONORARIUM <input checked="" type="checkbox"/> OTHER (Specify) <i>no compensation</i> <input type="checkbox"/> PER DIEM <input type="checkbox"/> PER ANNUM <input type="checkbox"/> ROYALTY <input type="checkbox"/> EXPENSES	12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input type="checkbox"/> NO <input type="checkbox"/> YES (Describe)	
13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED IN 5 CFR PART 2635 AND § 6401.102.		
14. SIGNATURE OF EMPLOYEE <i>N - L -</i>	15. DATE <i>5-18-06</i>	16. ADDITIONAL INFORMATION ATTACHED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

17. DIVISION DIRECTOR APPROVAL			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL)			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <i>[Signature]</i>	c. TITLE <i>re</i>	d. DATE <i>5/18/06</i>
19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.			

EPA REGION 2 FORM R 3120-1 (revised 10/96)

INSTRUCTIONS
<p>Item 5 - Self-Employment: If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.</p> <p>Item 10 - Federal Grants or Contracts Involved: Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.</p> <p>Item 16 - Attachments: Be sure to sign copies of all attachments submitted.</p>
ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL
ITEM 21 - REASON FOR DISAPPROVAL

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

*mugdan*

DATE: FEB 1 2001

SUBJECT: Request for Approval of Outside Activity - FOIA Ex 6

FROM: Mitchell S. Cohen  
TO: Associate Regional Counsel

Walter E. Mugdan  
Regional Counsel - Deputy Ethics Official (ORC)

I have reviewed *Ex 6*'s request for renewal of formal approval of his outside activity. As he indicates in his request form, he seeks approval to undertake some outside legal work involving various civil matters that include real estate work and bankruptcy matters. None of these relates to any EPA activity or programs. The need for formal approval is necessitated by the Agency's supplemental regulation at 5 C.F.R. §6401.103(a) (2), which mandates that formal approval be obtained for outside employment that constitutes professional practice

This work will be performed on *Ex 6*'s own time. There is no conflict of interest, either real or apparent, arising from this proposed outside employment. Since the work does not relate in any way to Agency official business, and in light of the conversations *Ex 6* and I have had in relation to this request, I believe we can dispense with a recitation of the usual caveats regarding use of nonpublic Agency information and the like. I recommend approval of the request.

*Approved s/h/c  
W. Mugdan*

# REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

INITIAL REQUEST  
 REVISED REQUEST  
 RENEWAL

1. NAME (Last, First, Initial) <b>FOIA EX 1, FOIA EXEMPTION 2</b>	2. DIVISION/BRANCH <b>OTEC - WTS</b>
3. POSITION TITLE <b>ATTORNEY</b>	4. GRADE AND SALARY <b>14-5 \$87,231</b>
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SERVICES WILL BE PERFORMED <b>FOIA EX 0 ATTORNEY, FOIA EX 0</b>	6. LOCATION WHERE SERVICES WILL BE PERFORMED <b>FOIA EX 0</b>

7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.)

*Legal assignments relating to civil matters, including materials for Civil & Supreme Ct (NY), real estate transactions & Bankruptcy. Work is expected to be largely research & drafting of transactional or Court filings. There will be no environmental work as to the Federal, State or local courts.*

8. ESTIMATED TIME INVOLVED <b>5-6 hrs per week average</b>	a. PERIOD COVERED FROM <b>2/1/01</b> TO <b>CONTINUING</b>	b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (If on a continuing basis, give estimated time per year) <b>250-300 hrs/yr</b>
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c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS?  
 YES     NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK

9. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY?  
 NO     YES (Describe)

10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOU OR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY?  
 NO     YES (Describe)

11. METHOD OR BASIS OF COMPENSATION <input type="checkbox"/> FEE <input type="checkbox"/> HONORARIUM <input type="checkbox"/> PER DIEM <input type="checkbox"/> PER ANNUM <input type="checkbox"/> ROYALTY <input type="checkbox"/> EXPENSES <b>Hourly Fee</b>	12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)
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13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED IN 5 CFR PART 2635 AND 5 6401.102.

14. SIGNATURE OF EMPLOYEE 	15. DATE <b>2/1/01</b>	16. ADDITIONAL INFORMATION ATTACHED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
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17. DIVISION DIRECTOR APPROVAL			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE

18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL)			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE

19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE 	c. TITLE <b>Regional Counsel</b>	d. DATE <b>2/1/01</b>

APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL

## INSTRUCTIONS

**Item 5 - Self-Employment:** If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.

**Item 10 - Federal Grants or Contracts Involved:** Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.

**Item 16 - Attachments:** Be sure to sign copies of all attachments submitted.

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ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL

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ITEM 21 - REASON FOR DISAPPROVAL

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

Yellow  
8-9-96

DATE: AUG - 7 1996

SUBJECT: Request for Outside Activity - FOIA EXEMPTIONS

FROM: Walter E. Mugdan  
Acting Regional Counsel *Walter Mugdan*

TO: William J. Muszynski, P.E.  
Deputy Regional Administrator - Deputy Ethics Official

This office has reviewed the outside activity request from ~~EX-10~~ FOIA ~~EX-10~~ of the Division of Enforcement and Compliance Assistance. ~~EX-10~~ intends to teach courses in environmental chemistry at ~~EX-10~~ University and ~~EX-10~~ College. These courses constitute part of the established curricula of those institutions. Per 5 C.F.R. §2635.807, such compensated activity is permissible notwithstanding its relation to the employee's official EPA duties. Accordingly, we recommend approval of the request.

# REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY\*

- Initial Request
- Revised Request
- Renewal

<b>1. NAME (Last, First, Initial)</b> 		<b>2. ORGANIZATIONAL LOCATION</b> ENVIRONMENTAL PROTECTION AGENCY DECA, NEW YORK	
<b>3. TITLE OF POSITION</b> TECHNOLOGY TRANSFER COORDINATOR		<b>4. GRADE AND SALARY</b> GS-14	
<b>5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SERVICES WILL BE PERFORMED</b> 1. COLLEGE 2. UNIVERSITY		<b>6. LOCATION WHERE SERVICES WILL BE PERFORMED</b>	
<b>7. NATURE OF ACTIVITY</b> (Indicate type of activity, e.g., teaching, committee services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of week and hours of day proposed activity will be performed.)  1. WEDNESDAY 9AM-12:15 PM 2. WEDNESDAY 5:40 PM - 9:10 PM  TEACHING ENVIRONMENTAL CHEMISTRY			
<b>8. ESTIMATED TIME INVOLVED</b>			
<b>a. PERIOD COVERED</b> FROM 9/96 TO 12/96		<b>b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY</b> (If on a continuing basis, give estimated time per year) 90 HOURS / SEMESTER	
<b>9. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORKING HOURS?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK 3 HOURS EVERY OTHER WEEK (26 WEEKS / YEAR)			
<b>10. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY?</b> <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)			
<b>11. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOUR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY?</b> <input type="checkbox"/> NO <input type="checkbox"/> YES (Describe) NA			
<b>11. METHOD OR BASIS OF COMPENSATION</b> <input checked="" type="checkbox"/> FEE <input type="checkbox"/> HONORARIUM <input type="checkbox"/> PER DIEM <input type="checkbox"/> PER ANNUM <input type="checkbox"/> ROYALTY <input type="checkbox"/> EXPENSES <input type="checkbox"/> OTHER (Specify)		<b>12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT?</b> <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)	
<b>13. THIS REQUEST IS MADE WITH FULL KNOWLEDGE OF DEPARTMENT AND OPERATING AGENCY POLICY AND PROCEDURES ON OUTSIDE ACTIVITIES. THE STATEMENTS I HAVE MADE ARE TRUE, COMPLETE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.</b>			
<b>14. SIGNATURE OF EMPLOYEE</b> Tehena Thomas		<b>15. DATE</b> 8/5/96	<b>16. ADDITIONAL INFORMATION ATTACHED</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
<b>17. DIVISION/OFFICE DIRECTOR APPROVAL</b>			
<b>a. APPROVAL</b> <input checked="" type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVED	<b>b. SIGNATURE</b> FIA EX 6	<b>c. TITLE</b> DIRECTOR DECA	<b>d. DATE</b> 8/5/96
<b>18. ACTION RECOMMENDED</b>			
<input checked="" type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVED	<b>b. SIGNATURE</b> [Signature]	<b>c. TITLE</b> Regional Counsel	<b>d. DATE</b> 8/7/96
<b>19. ACTION TAKEN</b>			
<input checked="" type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVED	<b>b. SIGNATURE</b> [Signature]	<b>c. TITLE</b> Deputy Regional Administrator	<b>d. DATE</b> 8/5/96

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

DATE: JUL 23, 1998

SUBJECT: Request for Approval of Outside Activity - FOIA EXEMPTION 6

FROM: Eric Schaaf  
Acting Regional Counsel



TO: William J. Muszynski, P.E.  
Deputy Regional Administrator - Deputy Ethics Official

We have reviewed the request for approval of outside activity submitted by FOIA EXEMPTION 6 of the Division of Enforcement and Compliance Assistance. He seeks approval of his proposed geological consulting work on behalf of the FOIA EXEMPTION 6 Company of FOIA EXEMPTION 6. He will receive a fee for this work, which he indicates bears no relation to any matters assigned to him presently or at any time previously. Our review of the request was made with reference to OGE regulations dealing with impartiality, misuse of position, and outside activities at 5 C.F.R. §2635, Subparts E, G and H, respectively. The request for approval is made necessary by the Agency's supplemental regulation on outside activities, codified at 5 C.F.R. Part 6401, insofar as the activity entails professional work.

Prior to submitting his request to this Office, EXEMPTION 6 as initially approached Mitchell Cohen of this Office for guidance concerning any ethical considerations that might render his proposed activity inappropriate. Mitch discussed with EXEMPTION 6 the general prohibitions relating to misuse of public position for personal gain. Mitch also discussed with EXEMPTION 6 as the heightened scrutiny that would be required if the activity were to involve compensated teaching, speaking or writing on the subject matter of the proposal. EXEMPTION 6 indicated that he did not intend for the activity to be undertaken in those forms. (See LAN correspondence attached to the request form.)

FOIA EXEMPTION 6 is aware of the prohibitions in reference to his official position and misuse of any information he may have acquired in the course of his EPA work that was not intended for public dissemination. He is also reminded that in the unlikely event his outside employer becomes a party to, or can reasonably be expected to become a party to any matter before EPA, he should not participate in such matter without prior consultation with ORC. Finally, he was informed by Mitch about the prohibitions on permitting an appearance of Agency endorsement, or of sanction, of his outside work. Aside from these concerns, there is no apparent conflict of interest with respect to his proposed activity. Accordingly, contingent upon adherence to these caveats, we recommend approval of the request.

# REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

INITIAL REQUEST  
 REVISED REQUEST  
 RENEWAL

1. NAME (Last, First, Initial) <b>FOIA EXEMPTION</b>		2. DIVISION/BRANCH <b>DECA/WCB</b>	
3. POSITION TITLE <b>GEOLOGIST</b>		4. GRADE AND SALARY <b>GS 13 \$ 72,538</b>	
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SF <b>FOIA EX 67 CO.</b>		6. LOCATION WHERE SERVICES WILL BE PERFORMED <b>RESIDENCE - FOIA EX 67</b>	
7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.)  <b>CONSULTING SERVICE - GEOLOGIC AND ECONOMIC ANALYSIS OF COAL BED METHANE AND OIL AND GAS EXPLORATION PROPERTIES. SERVICES WILL PROVIDE REVIEW OF EXISTING GEOLOGIC DATA PROVIDED AND INVESTMENT RECOMMENDATIONS. WORK WILL BE PERFORMED ON WEEK ENDS AND SOME NIGHTS ( 9:00 PM - 12:30 AM). PROPERTIES ANALYZED WILL BE OUTSIDE OF REGION 2.</b>			
8. ESTIMATED TIME INVOLVED <b>10 HOURS / WEEK</b>			
a. PERIOD COVERED FROM <b>PRESENT</b> TO <b>7 / 2007</b>		b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (If on a continuing basis, give estimated time per year) <b>100-200 HOURS / YEAR</b>	
c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK _____			
9. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)			
10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOUR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)			
11. METHOD OR BASIS OF COMPENSATION <input checked="" type="checkbox"/> FEE <input type="checkbox"/> HONORARIUM <input type="checkbox"/> OTHER (Specify) <input type="checkbox"/> PER DIEM <input type="checkbox"/> PER ANNUM <input type="checkbox"/> ROYALTY <input type="checkbox"/> EXPENSES		12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)	
13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED IN 5 CFR PART 2635 AND § 6401.102.			
14. SIGNATURE OF EMPLOYEE <b>FOIA EX 67</b>		15. DATE <b>7/10/98</b>	16. ADDITIONAL INFORMATION ATTACHED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
17. DIVISION DIRECTOR APPROVAL			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE 	c. TITLE <b>ACTING DIRECTOR DECA</b>	d. DATE <b>7/10/98</b>
18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL)			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE 	c. TITLE <b>DRA</b>	d. DATE <b>7/29/98</b>
APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.			

## INSTRUCTIONS

**Item 5 - Self-Employment:** If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.

**Item 10 - Federal Grants or Contracts Involved:** Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.

**Item 16 - Attachments:** Be sure to sign copies of all attachments submitted.

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ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL

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ITEM 21 - REASON FOR DISAPPROVAL

From: MITCHELL COHEN  
To: R2NYC02.R2DECDIV. FOIA EXC  
Date: 7/14/98 12:24pm  
Subject: Outside Activity Request

Exc please address one more question, a question we spoke about. For the record, please indicate whether or not your proposed consulting activity will result in any written work, i.e., written work that is intended for publication. Also, please confirm that the subject matter of the work does not pertain to any current matters in which you are involved officially.  
Thanks.

**From:** FOIA. EXC  
**To:** R2NYC03.R2ORCDIV (COHEN-MITCHELL)  
**Date:** 7/17/98 8:56am  
**Subject:** Outside Activity Request -Reply

No work will be published, and the work does not involve anything I have regulatory control over. Do you have the form I submitted and do I need to modify it?

**Region 2**



United States Environmental Protection Agency

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HUMAN RESOURCES > REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

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Employee Handbook  
Performs Linkage Form

## REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY		<input checked="" type="checkbox"/> INITIAL REQUEST <input type="checkbox"/> REVISED REQUEST <input type="checkbox"/> RENEWAL	
1. NAME (Last, First, Initial) <b>FOIA EXL</b>		2. DIVISION/BRANCH <b>DECA/WCB</b>	
3. POSITION TITLE <b>GEOLOGIST</b>		4. GRADE AND SALARY <b>13/10</b>	
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SERVICES WILL BE PERFORMED <b>FOIA EXL IMMUNITY 2. COLLEGE</b>		6. LOCATION WHERE SERVICES WILL BE PERFORMED <b>SAME</b>	
7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.)  <b>TEACHING ENVIRONMENTAL SCIENCE LAB</b> <b>SATURDAY 9 AM - 12 NOON</b>			
8. ESTIMATED TIME INVOLVED <b>SPRING AND FALL SEMESTERS</b>			
a. PERIOD COVERED FROM <b>1/2006</b> TO <b>2018</b>		b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (If on a continuing basis, give estimated time per year) <b>52 DAYS PER YEAR</b>	
c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK			
9. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)			
10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOU WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? <input type="checkbox"/> NO <input type="checkbox"/> YES (Describe)			
11. METHOD OR BASIS OF COMPENSATION <input checked="" type="checkbox"/> FEE <input type="checkbox"/> HONORARIUM <input type="checkbox"/> OTHER (Specify) <input type="checkbox"/> PER DIEM <input type="checkbox"/> PER ANNUM <input type="checkbox"/> ROYALTY <input type="checkbox"/> EXPENSES		12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)	
13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED IN 5 CFR PART 2635 AND &#sect; 6401.102.			
14. SIGNATURE OF EMPLOYEE <b>FOIA EXEMPTION</b>		15. DATE <b>12/21/05</b>	16. ADDITIONAL INFORMATION ATTACHED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
17. DIVISION DIRECTOR APPROVAL			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <b>[Signature]</b>	c. TITLE <b>Director DECA</b>	d. DATE <b>12/27/05</b>
18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL) <b>approved [Signature] RC. 11/2/06</b>			

a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <i>Richard C. Calkins</i>	c. TITLE <i>Deputy Reg. Admin.</i>	d. DATE <i>1/13/06</i>
APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.			

EPA REGION 2 FORM R 3120-1 (revised 10/96)

INSTRUCTIONS
<p>Item 5 - Self-Employment: If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.</p> <p>Item 10 - Federal Grants or Contracts Involved: Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.</p> <p>Item 16 - Attachments: Be sure to sign copies of all attachments submitted.</p>
<p>ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL</p>
<p>ITEM 21 - REASON FOR DISAPPROVAL</p>

Contact: [sommerman.alan@epa.gov](mailto:sommerman.alan@epa.gov)  
 Created: 04/08/2003 11:58:40 AM -- Last Modified: 3/25/04 3:18:27 PM

## I N S T R U C T I O N S

Item 5 - Self-Employment: If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners, giving their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.

Item 10 - Federal Grants or Contracts Involved: Describe the Federal grants or contracts (type, granting or contracting department, etc.) Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant applications, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.

Item 16 - Attachments: Be sure to sign copies of all attachments submitted.

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### ITEM 17 - COMMENTS OF RECOMMENDING OFFICIAL

The employee is reminded that the subject matter of his proposed lectures may not deal with any work that is currently assigned to him, or that has been assigned to him during the previous year. Additionally, the subject matter of the speaking engagement may not deal significantly with any of the Agency's announced policies, programs, or operations. Approval of this request is contingent on compliance with these limitations.

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### ITEM 18 - REASON FOR DISAPPROVAL

**REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY**  
**Region 2 Form R 3120-1 (Revised 10/96)**

1. **Name:** FAIA exemption
2. **Position Title:** Deputy Regional Administrator
3. **Organization:** U. S. Environmental Protection Agency, Region 2. Office of the Regional Administrator
4. **Grade and Salary:** SES Level 4
5. **Name, Address and Business of Person or Organization for Whom Outside Services will be Performed:** FAIA Ex university, School Of International and Public Affairs
6. **Location Where Services Will Be Performed:** ..... Campus
7. **Nature of Activity:** Adjunct Professor instructing for two courses: Workshop in Environmental Management (Fall) and Environmental Policy Analysis (spring).
8. **Estimated Time Involved:** One School Calendar Year 2006/2007
  - a. **From** 9/06 to 5/06
  - b. **Estimated Total Time Devoted to Activity:** Total 72 Hours
  - c. **Will Work be Performed Entirely Outside Usual Work Hours ?**  
[ ] YES [ x ] NO Annual Leave Will Be Taken  
**Estimated Number of Hours or Days of Absence from Work:** 72 hours Total
9. **Do Your Official Duties Relate in Any Way to the Proposed Activity:** [ x ] Yes
  - a. **Describe:** My experiences at EPA in 35 years of environmental work are what has qualified me to teach these courses. I will not represent EPA, however, or share any EPA information that is not publicly available. The course work will not be centered on EPA activities, but rather the environment policy analysis and governance and implementation issues.
10. **If providing consultative or professional services, are your would be associates receiving or will they seek, a grant or contract from a federal agency:** [ x ] NO [ ] YES
11. **Method or Basis of Compensation:**
  - [ ] Fee
  - [ ] Honorarium
  - [ x ] Other (Specify): Salary Per Semester
  - [ ] Per Diem
  - [ ] Per Annum
  - [ ] Royalty
  - [ ] Expenses
12. **Will Compensation be derived from a Grant or Contract?**  
[ x ] No [ ] Yes (describe)

13. By my Signature, I certify that no official duty time or government property, resources or facilities not available to the general public will be used in connection with my outside activities and that I have read and am familiar with, and will abide by the restricts described in 5 CFR Part 2635 and &#sect; 6401.102.

14. *FOIA EXEMPTION 6*  
Signature of Employee:

15. Date: *June 22, 2006*

16. Additional Information Attached:  YES  NO

17. Regional Administrator Approval:  Approved  Disapproved

Signature:

Date:

18. Action Recommended: Office of Regional Counsel :  
 Approved  Disapproved

Signature: *[Signature]*

Title: *Regional Counsel*

Date: *6/28/06*

19. Action Taken: Ethics Official  
 Approved  Disapproved

Signature: *Austina Jugh*

Title: *Senior Counsel for Ethics*

Date: *7/11/06*

**20. Comments of Recommending Official:**

**21. Reason for Disapproval**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

DATE: DEC 10 1997

SUBJECT: Request for Approval of Outside Activity - FOIA EXC

FROM: Walter E. Mugdan *Wmugdan*  
Regional Counsel

TO: William J. Muszynski, P.E.  
Deputy Regional Administrator - Deputy Ethics Official

We have reviewed the request for approval of outside activity submitted by FOIA EXC of the Emergency and Remedial response Division. He will be employed as an adjunct lecturer on the staff of the School of Health Sciences of FOIA EXC college (FOIA EXC). The request was necessitated by the Agency's supplemental regulation on outside activities at 5 C.F.R. Part 6401. Upon reviewing his request, we have also referred to the regulations on outside activities at 5 C.F.R. Part 2635, Subpart H.

Inasmuch as the employee's proposed activity consists of teaching a segment of the regularly established curriculum of an institute of higher education, the proposal is permissible pursuant to 5 C.F.R. §2635.807(a)(3) irrespective of whether or not the subject matter relates to his official duties. There is similarly no issue as to his receipt of compensation. Furthermore, FOIA EXC may permit use of his official title as one of several biographical details to be included in the school's bulletin provided it is not given more prominence than any other such specifics. We recommend approval of the request.

# REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

INITIAL REQUEST  
 REVISED REQUEST  
 RENEWAL

1. NAME (Last, First, Initial) <b>FOIA EX 6      FOIA EX 6</b>		2. DIVISION/BRANCH <b>ERRO / PSB</b>	
3. POSITION TITLE <b>ENVIRONMENTAL SCIENTIST</b>		4. GRADE AND SALARY <b>13      66,803</b>	
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SERVICES WILL BE PERFORMED <b>FOIA EX 6 COLLEGE SCHOOL OF HEALTH SCIENCES</b>		6. LOCATION WHERE SERVICES WILL BE PERFORMED <b>FOIA EXEMPTION 6</b>	
7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.)  <b>TEACHING - ADJUNCT PROFESSOR</b>  <b>TEACH COURSE IN GENERAL TOXICOLOGY FOR GRADUATE STUDENTS ENROLLED IN M.S. PROGRAM</b>  <b>CLASS TIME WEDS, NIGHT 8-10 pm</b>  <b>FOR SPRING '98 SEMESTER</b>			
8. ESTIMATED TIME INVOLVED <b>2 HOURS A WEEK PLUS 2-4 HOURS PREPARATION TIME</b>			
a. PERIOD COVERED <b>FROM FEB 98 TO MAY 98</b>		b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (If on a continuing basis, give estimated time per year) <b>14 WEEKS x 6 HOURS / WEEK = 84 HRS / YEAR</b>	
9. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK _____			
10. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)			
11. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOUR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)			
11. METHOD OR BASIS OF COMPENSATION <input type="checkbox"/> FEE <input type="checkbox"/> HONORARIUM <input type="checkbox"/> PER DIEM <input checked="" type="checkbox"/> PER ANNUM <input type="checkbox"/> ROYALTY <input type="checkbox"/> EXPENSES		12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)	
13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED IN 5 CFR PART 2635 AND 1 6401.102.			
14. SIGNATURE OF EMPLOYEE <b>FOIA EXEMPTION 6</b>		15. DATE <b>11/25/97</b>	16. ADDITIONAL INFORMATION ATTACHED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
17. DIVISION DIRECTOR APPROVAL			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <b>RICHARD L. CASPE</b>	c. TITLE <b>DIRECTOR, EMERGENCY &amp; REMEDIAL RESPONSE DIV.</b>	d. DATE <b>11/24/97</b>
18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL)			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <b>William E. Hughes</b>	c. TITLE <b>Regional Counsel</b>	d. DATE <b>12/00/97</b>
19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <b>Will [Signature]</b>	c. TITLE <b>DRA</b>	d. DATE <b>12/12/97</b>
APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.			

## INSTRUCTIONS

Item 5 - Self-Employment: If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.

Item 10 - Federal Grants or Contracts Involved: Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.

Item 16 - Attachments: Be sure to sign copies of all attachments submitted.

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ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL

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ITEM 21 - REASON FOR DISAPPROVAL

file

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II**

DATE: JUN 23 2000

SUBJECT: Request for Approval of Outside Activity - FOIA EXEMPTION 6

FROM: Walter E. Mugdan  
Regional Counsel *Wmugdan*

TO: William J. Muszynski, P.E.  
Deputy Regional Administrator - Deputy Ethics Official

We have reviewed a request for approval of outside activity submitted to ORC on June 27, by FOIA EX 4 of the Division of Environmental Planning & Protection. FOIA EX 6 seeks approval to undertake a one-year position on the Institution Review Board of Health Department. This work, which will consist of his evaluation of research proposals involving the use of human subjects to insure that the proposed studies are not injurious to the health, safety and privacy of the subjects, will be uncompensated and will take place at facilities on his own time.

As the *EX 6* anticipates that FOIA EXEMPTION 6's toxicology training will be needed in his proposed work, the subject matter of the proposed outside activity arguably entails "professional practice" as defined in the OGE regulation at 5 C.F.R. §2636.305(b), as well as consultative services, and thus renders formal approval required pursuant to the Agency's supplemental regulation at 5 C.F.R. §6401.103(a). Upon reviewing this request, we have referred to the OGE regulations at 5 C.F.R. Part 2635, Subparts G and H, covering, respectively, misuse of position and outside activities.

Based on the information *FOIA EX 6* has provided on his Form R3120-1, there appears to be no particular cause for concern with respect to conflict of interest. He asserts that there exists no relation between the proposed outside self-employment and his official duties.

*EX 6* is reminded that he is to avoid any appearance of Agency sanction and/or endorsement of the specific services he proposes to provide. Additionally, he is cautioned that he must refrain from using in his outside pursuits any information he may have acquired in the course of performing his official duties that was not intended for public dissemination. Discussion of "covered relationships" seems to be unnecessary.

In comparable circumstances in the past when employees have undertaken uncompensated advisory work on behalf of municipal entities the subject matter of which has some relation to Agency programs, this Office has recommended that the employee state in writing to such municipal entity the basis for his participation. Specifically, *EX 6* should state for the record that he is acting in a purely private capacity, and not as an EPA official, and that any of his views expressed in the course of his work with the DOH are not to be regarded as those of EPA.

Assuming adherence to the applicable standards of conduct delineated above, we recommend approval of his request.

# REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

INITIAL REQUEST  
 REVISED REQUEST  
 RENEWAL

**COPY**

1. NAME (Last, First, Initial) <u>FOIA EXEMPTIONS</u> <u>FOIA EXC</u>		2. DIVISION/BRANCH <u>DEPP/SPMM</u>	
3. POSITION <u>Toxicologist</u>		4. GRADE AND SALARY <u>14</u> <u>83,820</u>	
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SERVICES WILL BE PERFORMED		6. LOCATION WHERE SERVICES WILL BE PERFORMED <u>FOIA EXEMPTIONS</u>	
7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.)  <u>SEE ATTACHMENT - THE EXC MEETS ON THE THIRD THURSDAY OF THE MONTH FROM 1-3pm.</u>			
8. ESTIMATED TIME INVOLVED <u>2-4 hrs/month</u>			
a. PERIOD COVERED FROM <u>7/00</u> TO <u>7/01</u>		b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (If on a continuing basis, give estimated time per year) <u>24-48 hrs/yr.</u>	
c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK <u>2 hrs/month</u>			
9. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)			
10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOUR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? <input type="checkbox"/> NO <input type="checkbox"/> YES (Describe) <u>DON'T KNOW FOR SURE, BUT LIKELY</u>			
11. METHOD OR BASIS OF COMPENSATION <input type="checkbox"/> FEE <input type="checkbox"/> HONORARIUM <input type="checkbox"/> PER DIEM <input type="checkbox"/> PER ANNUM <input type="checkbox"/> ROYALTY <input type="checkbox"/> EXPENSES		12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)	
<u>NO COMPENSATION</u>			
13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED IN 5 CFR PART 2635 AND § 6401.102.			
14. SIGNATURE OF EMPLOYEE <u>FOIA EXEMPTIONS</u>		15. DATE <u>6/26/00</u>	16. ADDITIONAL INFORMATION ATTACHED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
17. DIVISION DIRECTOR APPROVAL			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <u>K. Baiforce</u>	c. TITLE <u>D. MURKIN, DEPP</u>	d. DATE <u>6/26/00</u>
18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL)			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <u>Walter Elyse</u>	c. TITLE <u>Regional Counsel</u>	d. DATE <u>6/28/00</u>
19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <u>Walt</u>	c. TITLE <u>DRA</u>	d. DATE <u>8/23/00</u>

APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.

FOIA  
ex 6

FOIA EXEMPTION 6

DEPT. OF HEALTH

FOIA EX 6  
Mayor

FOIA EX 6  
Commissioner

**INSTITUTIONAL REVIEW BOARD**

FOIA EXEMPTION 6

June 1, 2000

FOIA EX 6  
FOIA EX 6

Dear FOIA EX 6

I was pleased to talk to you and am delighted that you are interested in membership on the Institutional Review Board ) of the FOIA EX 6.

The is responsible for overseeing the conduct of research conducted under the auspices of the Department of Health to ensure that the rights, safety, and well-being of human subjects are protected. The meets monthly to review research protocols that have been proposed by Department of Health research staff or extramural investigators seeking to do research at Department of Health facilities.

Appointments to the IRB are made by the Commissioner of Health. We seek a membership that will provide scientific, clinical, and community perspectives in the evaluation and discussion of the bioethical issues related to human subjects research. It was suggested that your toxicology expertise and pharmacology training would be an especially valuable addition to our IRB's current roster.

I have forwarded your curriculum vita to ( FOIA EX 6 . If you have any questions or would like more information, please call me any time.

Sincerely,

FOIA EXEMPTION 6

FOIA EXEMPTION 6

Vice Chairperson (Acting Chairperson)

cc: FOIA EX 6, Environmental & Occupational Disease

FOIA ~~EX~~

To: Mitchell Cohen/R2/USEPA/US@EPA

06/27/00 04:33 PM

cc:

Subject: My function on IRB

As a member of the FOIA ~~EX~~ Institution Review Board I will be evaluating research proposals that involve the use of human subjects to insure that the proposed study protects the safety and the rights/confidentiality of the subjects, along with providing "value added" to the scientific literature.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

DATE: NOV 21 1996

SUBJECT: Request for Approval of Outside Activity - FOIA EXEMPTIONS

FROM: Walter E. Mugdan  
Regional Counsel

TO: William J. Muszynski, P.E.  
Deputy Regional Administrator - Deputy Ethics Official

This office has reviewed the outside activity request from FOIA EX of the Division of Environmental Planning and Protection. He seeks approval to undertake environmental consulting work for a chemical firm FOIA EX (D.) owned and operated by members of his family. (His spouse is not among those members.)

In reviewing this request, we have referred to the regulations on impartiality in performing official duties, misuse of position, and outside activities codified at 5 C.F.R. Part 2635, Subparts E, G, and H, respectively. We have also reviewed the Agency's supplemental regulations at 5 C.F.R. § 6401.103.

It is readily apparent that FOIA EX will have a covered relationship with EX, pursuant to 5 C.F.R. §2635.502(b). Accordingly, he is prohibited from participation in any particular matter involving the firm, as he is already aware. Similarly, he may not use any nonpublic information acquired by reason of his EPA employment to benefit the firm. FOIA EX is also aware of the caveat concerning the appearance or governmental sanction of any of FOIA EX activities. Finally, he is reminded that should his status vis-a-vis FOIA EX evolve to that of an employee of the firm, or should his spouse acquire a financial interest in the firm, the restrictions of 18 U.S.C. §208 will apply, including imputation of financial interests to him.

Mr. McChesney indicates on his request form that FOIA EX may seek EPA grant assistance at some point. Should this occur, this Office will regard such event as a change in the nature of the employee's business. Consequently, consistent with 5 C.F.R. §6401.103(d), he is informed that he should submit a revised request for approval if does become a grant applicant, in order that his involvement with the firm can be reviewed in light of the changed circumstances.

The above restrictions have been synopsisized in Item 20 of the request form. Contingent on adherence to these limitations, we recommend approval of the request.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

DATE: NOV 20 1988

SUBJECT: Request for Approval of Outside Activity for FOIA EX 6  
FOIA EX 6

FROM: Kathleen Callahan, Director *K. Callahan*  
Division of Environmental Planning and Protection

TO: Walter Mugdan, Regional Counsel  
Office of Regional Counsel

I submit this Request for Approval of Outside Activity for FOIA EXEMPTION 6 asney for your review. FOIA EX 6 e ey has an opportunity to provide assistance to members of his family regarding environmental, health and safety, and planning issues at their business. The business is located in EPA Region 3. FOIA EX 6 s responsibilities at EPA primarily regard Drinking Water and Superfund activities. There does not appear overlap between items associated with his request and his official duties.

FOIA EXEMPTION 6 is aware of restrictions that must be placed on his activities due to his employment by EPA. Since all activity associated with this request will be conducted outside of his normal business hours and at a non-governmental location, there appears to me to be no conflict with his position at EPA Region 2.

FOIA EXEMPTION 6 would like to engage in this activity as soon as possible. I would therefore appreciate your assistance in expediting review of his request.

If you have any questions or require additional information, please call me at extension 3734, or have your staff contact FOIA EXEMPTION 6 at extension 3851.

Attachment

REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY		<input checked="" type="checkbox"/> INITIAL REQUEST <input type="checkbox"/> REVISED REQUEST <input type="checkbox"/> RENEWAL	
1. NAME (Last, First, Initial) <b>FOIA EXEMPTION 6</b>		2. DIVISION/BRANCH <b>DEPP/PBPB</b>	
3. POSITION TITLE <b>Hydrologist</b>		4. GRADE AND SALARY <b>G.S. 13, \$55665 P.A.</b>	
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SERVICES WILL BE PERFORMED <b>FOIA EXEMPTION 6 Blending</b>		6. LOCATION WHERE SERVICES WILL BE PERFORMED <b>FOIA EXEMPTION 6 EXLO</b>	
7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.) <b>Management consulting, strategic &amp; operations planning; Environmental, health &amp; safety, &amp; legal consultant identification, screening, recommendation, oversight, evaluation; Environmental / health &amp; safety compliance evaluation, planning, program development &amp; implementation assistance; Government &amp; non-government assistance program identification, evaluation, and application preparation. Activities to be performed on weekends and other non-duty hours. I shall not be involved in representing any party to any entity of the federal government. I shall not represent myself as an employee, or agent of EPA with respect to these activities.</b>  <b>Business is solely owned and operated by members of my family - assistance is provided as a family service.</b>			
8. ESTIMATED TIME INVOLVED			
a. PERIOD COVERED FROM <b>11/22/96</b> TO <b>12/1/2000 (est)</b>		b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (if on a continuing basis, give estimated time per year) <b>500 HRS/YR</b>	
c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK _____			
9. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)			
10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (Describe) <b>FOIA EX LO may seek assistance or grant</b>			
11. METHOD OR BASIS OF COMPENSATION <input type="checkbox"/> FEE <input type="checkbox"/> HONORARIUM <input type="checkbox"/> OTHER (Specify) <input checked="" type="checkbox"/> PER DIEM <input type="checkbox"/> PER ANNUM <b>Unknown at this time</b> <input type="checkbox"/> ROYALTY <input checked="" type="checkbox"/> EXPENSES <b>Providing asst. to family.</b>		12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)	
13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED IN 5 CFR PART 2635 AND 5 6401.102.			
14. SIGNATURE OF EMPLOYEE <b>FOIA EXEMPTION 6</b>		15. DATE <b>11/20/96</b>	16. ADDITIONAL INFORMATION ATTACHED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
17. DIVISION DIRECTOR APPROVAL			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <b>K Callahan</b>	c. TITLE <b>Director, DEPP</b>	d. DATE <b>11/20/96</b>
18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL)			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <b>Robert E. Meyer</b>	c. TITLE <b>Regional Counsel</b>	d. DATE <b>11/21/96</b>
19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <b>Will [Signature]</b>	c. TITLE <b>DRA</b>	d. DATE <b>12/13/96</b>
APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.			

## INSTRUCTIONS

Item 5 - Self-Employment: If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.

Item 10 - Federal Grants or Contracts Involved: Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.

Item 16 - Attachments: Be sure to sign copies of all attachments submitted.

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ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL

Mr. McChesney is reminded that since he will have a covered relationship with Leatex, he is prohibited from participation in any particular matter involving the firm. He is also reminded of the restrictions on improper use of nonpublic information, and the need to avoid the appearance of governmental sanction of any of Leatex' activities. Mr. McChesney is also instructed to submit a revised approval request form if Leatex applies for EPA grant assistance.

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ITEM 21 - REASON FOR DISAPPROVAL

file

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

MAR 23 2010

DATE:

Request for Approval of Outside Activity - FOIA EXC

SUBJECT:

Eric Schaaf

FROM:

Regional Counsel *[Signature]*

TO:

George Pavlou

Deputy Regional Administrator - Deputy Ethics Official

We have reviewed a request for approval of outside activity submitted to ORC by FOIA EXC of DEPP. FOIA EXC seeks approval to proofread and review two chapters of a work in progress to be entitled "Preparing Impact Assessments: A Guide to Best Professional Practices for Preparing Greenhouse Emissions, Cumulative Impact, Risk, Socioeconomic and Informational Environmental Impacts Assessments." The author is FOIA EXC, who has previously published work in the area of NEPA assessments.

As the subject matter relates to official duties, formal approval is required pursuant to the Agency's supplemental regulation on outside employment at 5 C.F.R. §6401.103(a)(4). FOIA EXC will receive no compensation for this editing work other than a complimentary copy of the finished work. The receipt of a complimentary copy of the final product does not constitute "compensation" per 5 C.F.R. §2635.807(a)(2)(iii)©.

I have discussed this matter with FOIA EXC who is reminded that she may not use her official title other than as part of a brief biographical sketch (if one is included) provided that such detail receives no more prominence than other details. Nor may she imply Agency endorsement of this manuscript. Further, she may not use in this endeavor any information she may have acquired in the course of performing her official duties that was not intended for public disclosure. Assuming adherence to this caveat, we recommend approval of his request.

United States Environmental Protection Agency

Printer Friendly Page For...

### REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

		<input checked="" type="checkbox"/> INITIAL REQUEST <input type="checkbox"/> REVISED REQUEST <input type="checkbox"/> RENEWAL	
1. NAME (Last, First, Initial) <b>FOIA EXG</b>		2. DIVISION/BRANCH <b>DEPP/SPMMPB</b>	
3. POSITION TITLE <b>Supv. Env. Scientist</b>		4. GRADE AND SALARY <b>14</b>	
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SERVICES WILL BE PERFORMED: <b>FOIA EXEMPTION CO</b> <b>FOIA EXEMPTION CO</b>		6. LOCATION WHERE SERVICES WILL BE PERFORMED <b>Residence / or during commute</b>	
7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.) <b>Proofread/review two chapters of FOIA EXG's draft manuscripts</b> ● "Preparing Impact Assessments: A Guide to Best Professional Practices for Preparing Greenhouse Emissions, Cumulative Impact, Risk, Socioeconomic, and International Environmental Impacts Assessments." ① Preparing Greenhouse Emission Assessments in NEPA Documents ② Preparing Risk Assessments and Accident Analyses			
8. ESTIMATED TIME INVOLVED			
a. PERIOD COVERED FROM <b>3-1-10</b> TO <b>3-31-10</b>		b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (If on a continuing basis, give estimated time per year) <b>10 hrs</b>	
9. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK <b>none</b>			
9. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (Describe) <b>I oversee EPA Reg. 2 NEPA activities.</b>			
10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOUR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)			
11. METHOD OR BASIS OF COMPENSATION <input type="checkbox"/> FEE <input type="checkbox"/> HONORARIUM <input checked="" type="checkbox"/> OTHER (Specify): <b>copy of published book</b> <input type="checkbox"/> PER DIEM <input type="checkbox"/> PER ANNUM <input type="checkbox"/> ROYALTY <input type="checkbox"/> EXPENSES		12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)	
13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED IN 5 CFR PART 2635 AND &#sect; 640.102.			
14. SIGNATURE OF EMPLOYEE <b>FOIA EXEMPTION CO</b>		15. DATE <b>3/4/10</b>	16. ADDITIONAL INFORMATION ATTACHED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
17. DIVISION DIRECTOR APPROVAL			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <i>[Signature]</i>	c. TITLE <b>DEPP Division Director</b>	d. DATE <b>3/10/10</b>
18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL)			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <i>[Signature]</i>	c. TITLE <b>RC</b>	d. DATE <b>3/11/10</b>

19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL) <span style="float: right;">3/24/10</span>			
a <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b SIGNATURE <i>[Signature]</i>	c TITLE <i>DRA</i>	d DATE
APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.			

EPA REGION 2 FORM R 3120-1 (revised 10/96)

<p>REMARKS</p> <p>Item 5 - Self-Employment: If applicable, indicate self-employment, the type of service (as medical, legal, etc ), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.</p> <p>Item 10 - Federal Grants or Contracts Involved: Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.</p> <p>Item 16 - Attachments: Be sure to sign copies of all attachments submitted.</p> <hr/> <p>ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL</p> <p><i>Seems fine to me as long as there is no reference in the publication to the employee's affiliation with EPA, which might imply an endorsement of the publication. E. Birk, J 3/10/10</i></p> <p><b>Concur: Mitchell S. Cohen ORC/WGL</b></p> <hr/> <p>ITEM 21 - REASON FOR DISAPPROVAL</p>
--

Contact: feeley.james@epa.gov  
 Created: 04/08/2003 11:58:40 AM -- Last Modified: 11/16/2006 3:09:05 PM

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

DATE: AUG - 3 1999

SUBJECT: Request for Approval of Outside Activity - FOIA EXEMPTIONS

FROM: Walter E. Mugdan  
Regional Counsel

TO: William J. Muszynski, P.E.  
Deputy Regional Administrator - Deputy Ethics Official

We have reviewed the request for approval of outside activity submitted by ~~FOIA EXEMPTIONS~~ of the Caribbean Environmental Protection Division. He will be employed as an adjunct lecturer on the staff of the University of ~~FOIA EXEMPTIONS~~ in ~~FOIA EXEMPTIONS~~. He will be teaching a course that constitutes part of the established curriculum in the University's Department of Natural Sciences. The University is accredited by the appropriate regional accrediting association. The request was necessitated by the Agency's supplemental regulation on outside activities at 5 C.F.R. Part 6401. Upon reviewing his request, we have also referred to the regulations on outside activities at 5 C.F.R. Part 2635, Subpart H.

Inasmuch as the employee's proposed activity consists of teaching a segment of the regularly established curriculum of an institute of higher education, the proposal is permissible pursuant to 5 C.F.R. §2635.807(a)(3) irrespective of whether or not the subject matter relates to his official duties. Similarly, his receipt of compensation presents no issue. Furthermore, ~~FOIA EXEMPTIONS~~ may permit use of his official title as one of several biographical details to be included in the school's bulletin provided it is not given more prominence than any other such specifics. We recommend approval of the request.

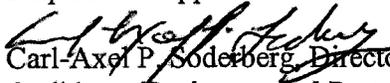
MEMORANDUM

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

4/29/99

DATE: July 26, 1999

SUBJECT: Request for Approval of Outside Activity - Renewal

FROM:   
Carl-Axel P. Soderberg, Director  
Caribbean Environmental Protection Division

TO: William J. Muszynski, P.E.  
Deputy Regional Administrator

Attached is an EPA Region 2 Form 3120-1, Request for Approval of Outside Activity, for FAA ex 6 of my staff.

The purpose of this memorandum is twofold. First, it is to advise that this course which FAA will be teaching is concerned only with general scientific issues and does not focus in any way on EPA's policies, programs, or operations and, therefore, is in compliance with the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635, Subpart H, Sec. 2635.807-Teaching, Speaking, and Writing. And second, it is to indicate my concurrence in his undertaking this particular outside activity, which will be conducted entirely outside normal working hours.

Your approval of the request will be appreciated. If additional information is required, please let me know.

Attachment

# REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

INITIAL REQUEST  
 REVISED REQUEST  
 RENEWAL

1. NAME (Last, First, Initial) FOIA EXC	2. DIVISION/BRANCH Caribbean Environmental Protection Division/Enforcement & Superfund Branch
3. POSITION TITLE Chief, Enforcement & Superfund Branch	4. GRADE AND SALARY GM-819-14 - \$74,162
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SERVICES WILL BE PERFORMED University of FOIA EXC FOIA EXEMPTION	6. LOCATION WHERE SERVICES WILL BE PERFORMED Department of Natural Science University of Puerto Rico, Rio Piedras, P.R.
7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.) Teaching an undergraduate course at the Department of Natural Sciences at the University of FOIA EXC Campus. The University of FOIA EXC is an institution of higher education as defined at 20 U.S.C. 1141(a). The course to be taught is an established curriculum of the Department of Natural Sciences at the University of FOIA EXC. Teaching will be conducted as an activity entirely outside normal working hours. Classes will begin on Monday, August 23, 1999. This activity is in compliance with the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635, subpart B, Sec. 2635.807 - Teaching, Speaking, and Writing.	
B. ESTIMATED TIME INVOLVED	
a. PERIOD COVERED FROM Aug. 1999 TO June 2000	b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (If on a continuing basis, give estimated time per year) (approx. 84 hrs/yr) 3 hours/week - 14 weeks/semester
c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK _____	
9. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)	
10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOUR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)	
11. METHOD OR BASIS OF COMPENSATION <input type="checkbox"/> FEE <input type="checkbox"/> HONORARIUM <input type="checkbox"/> PER DIEM <input type="checkbox"/> PER ANNUM <input type="checkbox"/> ROYALTY <input type="checkbox"/> EXPENSES <input checked="" type="checkbox"/> OTHER (Specify) payment	12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)
13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED IN 5 CFR PART 2635 AND § 8401.102.	
14. SIGNATURE OF EMPLOYEE FOIA EXEMPTION	15. DATE 07/26/1999
16. ADDITIONAL INFORMATION ATTACHED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
17. DIVISION DIRECTOR APPROVAL	
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE Carl Axel P. Soderberg Division Director
c. TITLE Division Director	d. DATE 07-26-99
18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL)	
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE Walter Mugdan
c. TITLE Regional Counsel	d. DATE 8/3/99
19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)	
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE William J. Mugzynski Deputy Regional Administrator
c. TITLE Deputy Regional Administrator	d. DATE 8/4/99
APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.	

## INSTRUCTIONS

**Item 5 - Self-Employment:** If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.

**Item 10 - Federal Grants or Contracts Involved:** Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.

**Item 16 - Attachments:** Be sure to sign copies of all attachments submitted.

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ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL

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ITEM 21 - REASON FOR DISAPPROVAL

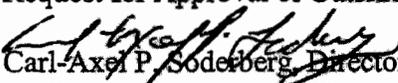
MEMORANDUM

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

7/29/99

**DATE:** July 26, 1999

**SUBJECT:** Request for Approval of Outside Activity - Renewal

**FROM:**   
Carl-Axel P. Soderberg, Director  
Caribbean Environmental Protection Division

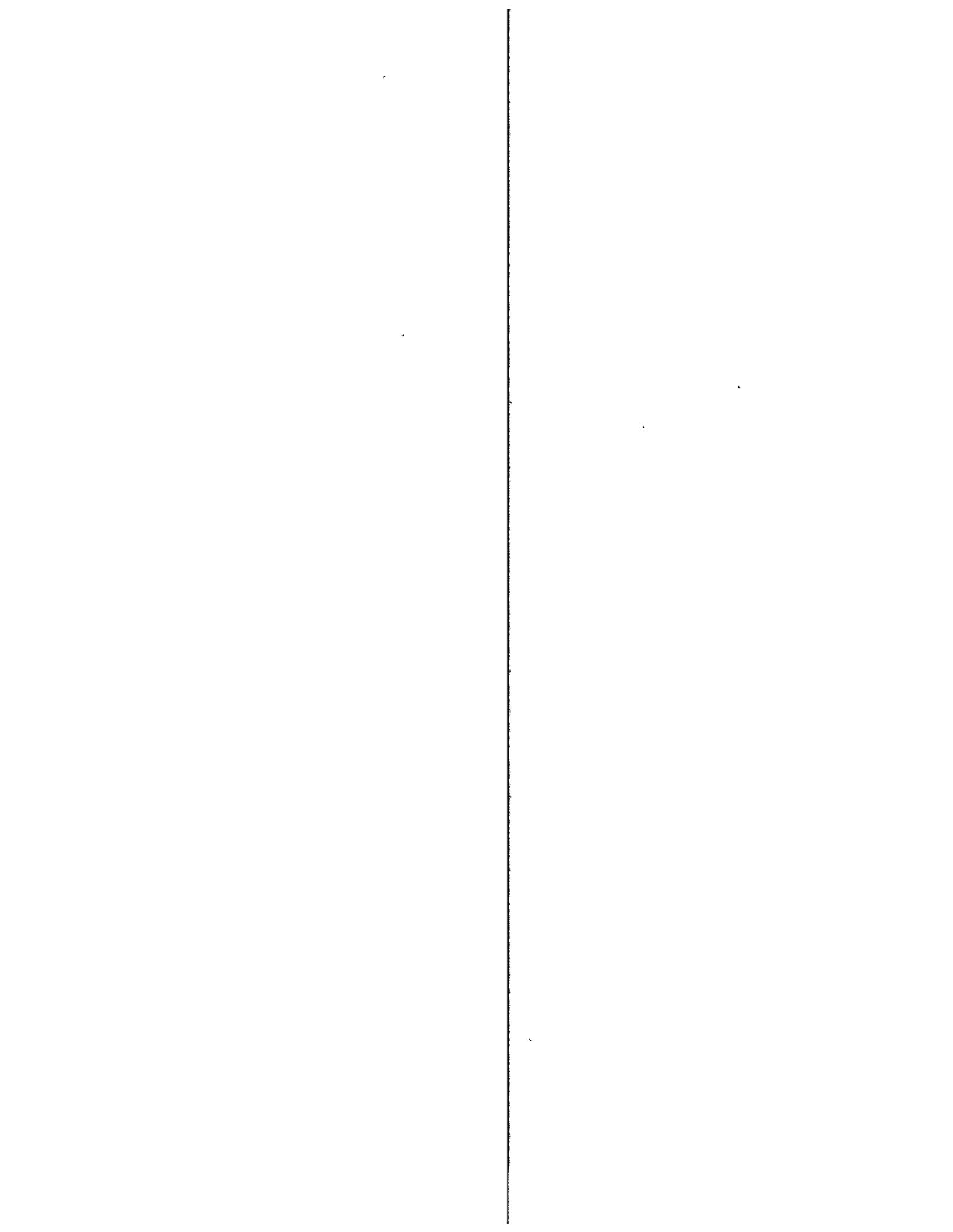
**TO:** William J. Muszynski, P.E.  
Deputy Regional Administrator

Attached is an EPA Region 2 Form 3120-1, Request for Approval of Outside Activity, for ~~Carl-Axel Soderberg~~ of my staff.

The purpose of this memorandum is twofold. First, it is to advise that this course which ~~Carl-Axel Soderberg~~ will be teaching is concerned only with general scientific issues and does not focus in any way on EPA's policies, programs, or operations and, therefore, is in compliance with the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635, Subpart H, Sec. 2635.807-Teaching, Speaking, and Writing. And second, it is to indicate my concurrence in his undertaking this particular outside activity, which will be conducted entirely outside normal working hours.

Your approval of the request will be appreciated. If additional information is required, please let me know.

Attachment



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

file  
in OGE

AUG 25 2011

DATE:

SUBJECT: Request for Approval of Outside Activity - FOIA ~~EXC~~

FROM: Eric Schaaf  
Regional Counsel



George Pavlou  
Deputy Regional Administrator - Deputy Ethics Official

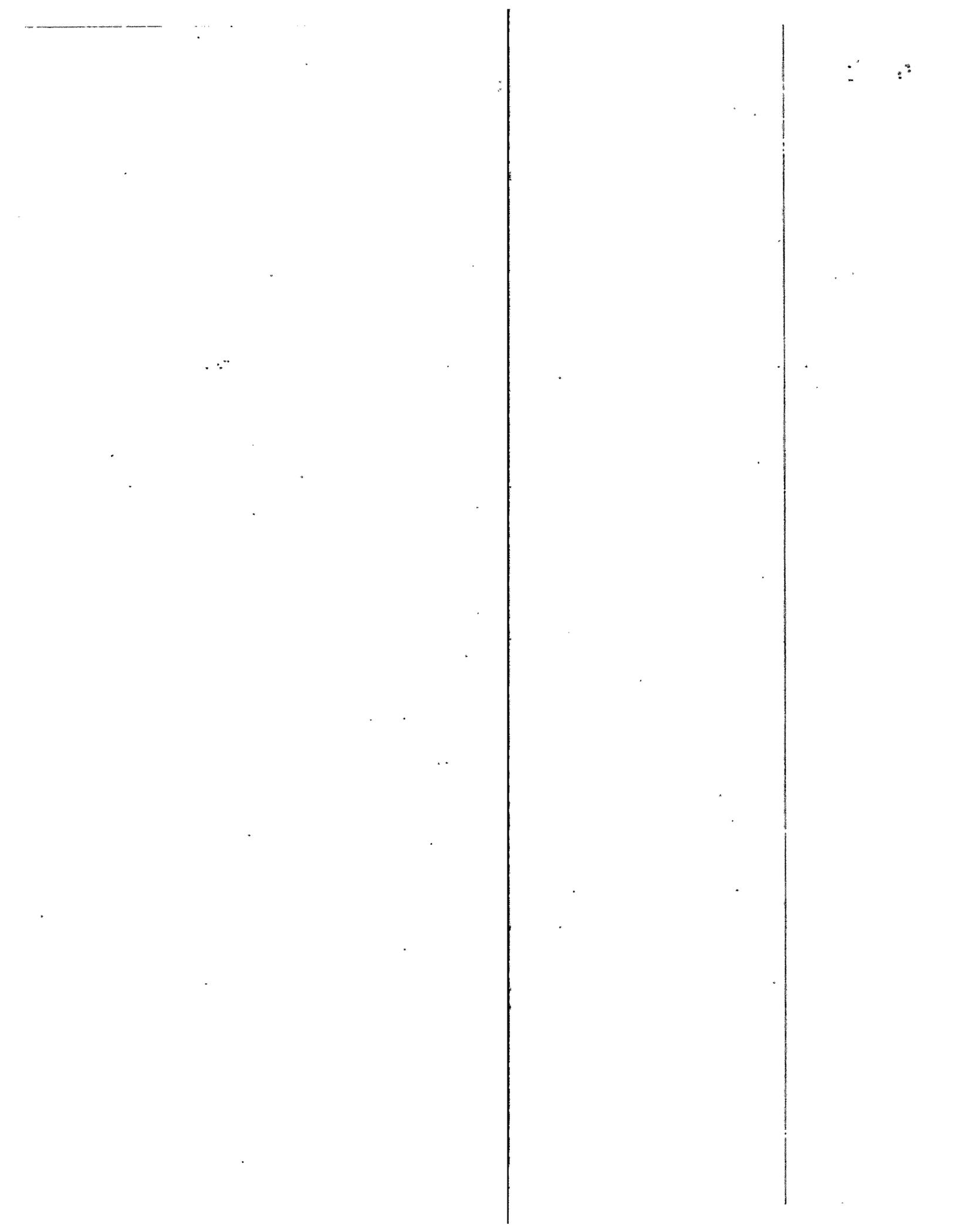
We have reviewed a request for approval of outside activity submitted to ORC by ~~FOIA EXC~~ in DEPP-SPMMPB-ERS. There are actually two requests that are of sufficient similarity for this memorandum to address both.

In her first request ~~EXC~~ approval to engage in outside employment as a member of the ~~FOIA EXC~~ Environmental and Shade Tree Advisory Board ("the Board"). The principal function of the Board is to make recommendations to the Town Council and/or to Town Manager regarding local environmental matters. She will receive no compensation for these voluntary services.

Formal approval is necessitated by the Agency's supplemental regulation on outside employment at 5 C.F.R. §6401.103. Specifically, ~~EXC~~'s proposed outside employment with the Board falls within the criterion at 6401.103(a)(3), i.e., "holding State or local public office." Upon reviewing her request, we have referred to the OGE regulations concerning impartiality in performing official duties, misuse of position and outside activities codified at 5 C.F.R. Part 2635, Subparts E, G and H, respectively.

In situations where our employees serve in an advisory capacity with committees, advisory boards, etc., with local governments, we have advised them to make the basis of their participation clear to such entities. Specifically, ~~FOIA EXC~~ advised to state in writing to the Board that any views she may express in connection with her Board activities are not to be represented as the views of the EPA and that she is conducting her assigned membership responsibilities in a purely private capacity. She will not refer to her EPA employment while engaged in this outside employment. All of the above caveats were covered in a consultation that had with Mitch Cohen.

~~FOIA EXC~~ reminded that she has a "covered relationship" with the Board on the basis of her proposed affiliation with that entity. Accordingly, if she should become involved in any official EPA capacity in a particular matter to which either the Board and/or the Township of Aberdeen are parties or in which either has a substantial interest, she should disclose such fact to ORC and seek guidance regarding the possibility of a need for remedial measures. She is further reminded that she is not to use during the course of her outside activities any Agency information that she may have acquired in the course of performing her DEPP duties that was not intended for public dissemination. Assuming adherence to the standards of conduct and overall guidance delineated



above, we find that her request for approval of her proposed outside employment with the Board should be approved as it does not appear likely, as of this writing, that such activity will involve any conduct prohibited by Federal law or regulation.

The second request required some elevated scrutiny by ORC. EXC seeks approval to coordinate the Township of FOIA EXC "Green Team" that is associated with what is known as FOIA EXC which she describes as a "partnership"). (See e-mail attachment to the request form.)

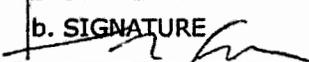
This heightened scrutiny is necessary because EXC indicates that this proposed outside venture bears some relations to that part of her official DEPP duties involving service on the Partnership for Sustainable Communities Regional Intra-agency Team. This relation to official duties makes approval necessary per the Agency's regulations at 5 C.F.R. Part 6401. She will receive no compensation for these voluntary services.

At Mitch Cohen's request, EXC provided additional information about FOIA EXC (see above-mentioned e-mail correspondence). She states that FOIA EXC is not a federal program and does not receive any funding from EPA. Nor would any financial assistance be available from the Agency. She goes on to say that her proposed role as Green Team leader does not entail any aspect of managerial responsibility but, rather, is essentially a facilitator role.

Mitch explained the applicable caveats to EXC. Chief among these is the necessity of avoidance (in both outside activities addressed in this memo) the appearance of Agency sanction of any of these activities. The "covered relationship" that EXC would have with FOIA EXC and the Board as well as the Green Team) was made known to her (see attached e-mail correspondence of August 23), She asserts that if she were to face the prospect of any overlap between her DEPP duties and her Green Team duties, she would recuse herself from such DEPP duties. Assuming adherence to all applicable standards of conduct that Mitch discussed with her, I recommend approval of the two outside activities discussed above.



## APPROVAL OF OUTSIDE ACTIVITY

REQUEST FOR APPROVAL OF		<input checked="" type="checkbox"/> INITIAL REQUEST <input type="checkbox"/> REVISED REQUEST <input type="checkbox"/> RENEWAL	
1. NAME (Last, First, Initial) <u>FOIA EXC</u>		4. DIVISION/BRANCH <u>DEPP/SPMMPD</u>	
3. POSITION TITLE <u>Supv Env. Sci.</u>		4. GRADE AND SALARY <u>GM-14</u>	
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM <b>OUTSIDE SERVICES</b> WILL BE PERFORMED <u>Township of FOIA exemption 6</u>		6. LOCATION WHERE SERVICES WILL BE PERFORMED <u>FOIA EX 6</u>	
7. NATURE OF <b>ACTIVITY</b> (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.) <u>Coordinate Green Team associated with FOIA exemption program. Lead meetings, facilitate work plan development, track activities, submit materials for certification to Sustainable Jersey organization. Serve as Town's point of contact. Evening or weekend mtgs - schedule has not been established yet</u>			
8. ESTIMATED TIME INVOLVED			
a. PERIOD COVERED FROM <u>9-1-11</u> TO <u>8-30-12</u>		b. ESTIMATED TOTAL TIME DEVOTED TO <b>ACTIVITY</b> (If on a continuing basis, give estimated time per year) <u>36 days/yr</u>	
c. WILL WORK BE PERFORMED ENTIRELY <b>OUTSIDE</b> USUAL WORK HOURS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK <u>2</u>			
9. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED <b>ACTIVITY</b> ? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (Describe) <u>I serve on the Partnership for Sustainable Communities</u>			
10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOUR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)			
11. METHOD OR BASIS OF COMPENSATION <input type="checkbox"/> FEE <input type="checkbox"/> HONORARIUM <input type="checkbox"/> OTHER (Specify) <input type="checkbox"/> PER DIEM <input type="checkbox"/> PER ANNUM <input type="checkbox"/> ROYALTY <input type="checkbox"/> EXPENSES		12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)	
13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY <b>OUTSIDE</b> ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED IN 5 CFR PART 2635 AND &#sect; 6401.102.			
14. SIGNATURE OF EMPLOYEE <u>FOIA exemption 6</u>		15. DATE <u>8/3/11</u>	16. ADDITIONAL INFORMATION ATTACHED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
17. DIVISION DIRECTOR APPROVAL			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE 	c. TITLE <u>Division Director</u>	d. DATE <u>8/11/11</u>
18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL)			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE 	c. TITLE <u>RC</u>	d. DATE <u>8/25/11</u>

Regional Interagency Team

19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)

a.  APPROVED  
 DISAPPROVED

b. SIGNATURE  
*[Handwritten Signature]*

c. TITLE  
Deputy Reg'l Administrator  
d. DATE  
9/2/11

APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.

M R 3120-1 (revised 10/96)

INSTRUCTIONS

Item 5 - Self-Employment: If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.

Item 10 - Federal Grants or Contracts Involved: Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.

Item 16 - Attachments: Be sure to sign copies of all attachments submitted.

ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL

ITEM 21 - REASON FOR DISAPPROVAL

## APPROVAL OF OUTSIDE ACTIVITY

REQUEST FOR APPROVAL OF		<input type="checkbox"/> INITIAL REQUEST <input type="checkbox"/> REVISED REQUEST <input checked="" type="checkbox"/> RENEWAL	
1. NAME (Last, First, Initial) <u>FOIA exemption</u>		2. DIVISION/BRANCH <u>DEPP/SPMM?</u>	
3. POSITION TITLE <u>Supr. Env. Sci.</u>		4. GRADE AND SALARY <u>GM14</u>	
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM <b>OUTSIDE</b> SERVICES WILL BE PERFORMED <u>Township of FOIA exemption</u>		6. LOCATION WHERE SERVICES WILL BE PERFORMED <u>FOIA exemption</u>	
7. NATURE OF <b>ACTIVITY</b> (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.) <u>Serve as a member of the Aberdeen Township Environmental and Shade Tree Advisory Board. Make recommendations with other Board members to Town Council and/or Town Manager regarding local environmental issues. Monday evenings 8PM and some Saturdays</u>			
8. ESTIMATED TIME INVOLVED			
a. PERIOD COVERED FROM <u>2011</u> TO <u>2013</u>		b. ESTIMATED TOTAL TIME DEVOTED TO <b>ACTIVITY</b> (If on a continuing basis, give estimated time per year) <u>12 days/yr</u>	
c. WILL WORK BE PERFORMED ENTIRELY <b>OUTSIDE</b> USUAL WORK HOURS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK _____			
9. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED <b>ACTIVITY</b> ? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)			
10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOUR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)			
11. METHOD OR BASIS OF COMPENSATION <input type="checkbox"/> FEE <input type="checkbox"/> HONORARIUM <input type="checkbox"/> OTHER (Specify) <input type="checkbox"/> PER DIEM <input type="checkbox"/> PER ANNUM <input type="checkbox"/> ROYALTY <input type="checkbox"/> EXPENSES		12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)	
13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY <b>OUTSIDE</b> ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED IN 5 CFR PART 2635 AND § 6401.102.			
14. SIGNATURE OF EMPLOYEE <u>FOIA exemption</u>		15. DATE <u>8/11</u>	16. ADDITIONAL INFORMATION ATTACHED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
17. DIVISION DIRECTOR APPROVAL			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <u>[Signature]</u>	c. TITLE <u>Dep't Admin</u>	d. DATE <u>8/11</u>
18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL)			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <u>[Signature]</u>	c. TITLE <u>RC</u>	d. DATE <u>8/2/11</u>

19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)

a.  APPROVED  
 DISAPPROVED

b. SIGNATURE  
*[Handwritten Signature]*

c. TITLE  
Deputy Reg'l Administrator

d. DATE  
8/2/11

APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.

M R 3120-1 (revised 10/96)

INSTRUCTIONS

Item 5 - Self-Employment: If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.

Item 10 - Federal Grants or Contracts Involved: Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.

Item 16 - Attachments: Be sure to sign copies of all attachments submitted.

ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL

ITEM 21 - REASON FOR DISAPPROVAL

file

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

DATE: SEP 16 1998

SUBJECT: Request for Approval of Outside Activity - *fair exemption*

FROM: Eric Schaaf

Acting Regional Counsel *E. Schaaf*

TO:

William J. Muszynski, P.E.

Deputy Regional Administrator - Deputy Ethics Official

We have reviewed a request for approval of outside activity submitted by *fair exemption* of the Division of Environmental Planning and Protection. He seeks approval for an unofficial speaking engagement that is to take place during an environmental conference in *fair exemption* in November. The presentation will be entitled "The U.S. System of Environmental Impact Studies." He states that his compensation will be confined to travel expense defrayal. Our review of the request was made with reference to Office of Government Ethics (OGE) regulations dealing with misuse of position and outside activities at 5 C.F.R. §2635, Subparts G and H, respectively. The request for approval is made necessary by the Agency's supplemental regulation on outside activities, codified at 5 C.F.R. Part 6401, insofar as the activity relates to subject matter in which EPA has significant interest.

Were the form of compensation to be received to consist of anything other than solely travel expense defrayal or reimbursement, this proposed activity would have fallen squarely within the prohibition of the OGE regulation proscribing the acceptance of compensation for unofficial teaching, speaking or writing that relates to official duties. There is no question that the subject matter of *Ex 6* speaking engagement "relates to official duties" as that term of art is defined by OGE in Subpart H of Part 2635. Additionally, "compensation" has always included acceptance of travel expenses in any form.

However, as a result of the outcome of litigation in the U.S. Court of Appeals for the D.C. Circuit, OGE announced to all Designated Agency Ethics Officials that, effective May 21, 1997, it was, as an interim policy, no longer enforcing the prohibition discussed in the preceding paragraph where the compensation is to consist solely of travel expenses. This guidance was transmitted to Deputy Ethics Officials by the Office of General Counsel under cover of Ethics Advisory 97-09. Although we have received word that this interim OGE nonenforcement policy will soon be revisited, it nevertheless remains in effect as of this writing. Accordingly, *fair exemption* proposed speaking engagement is presently permissible.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

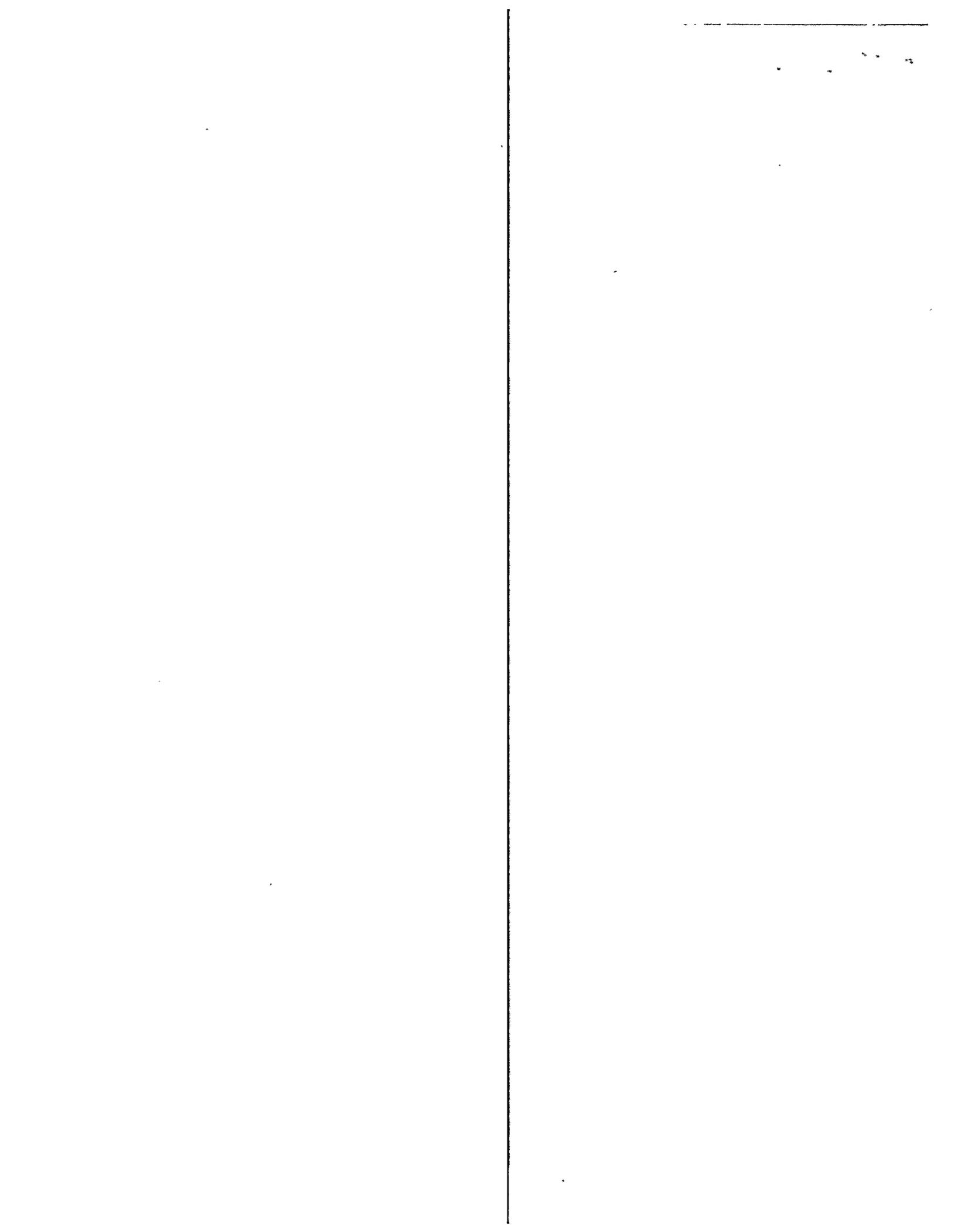
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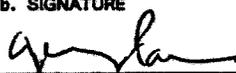
\_\_\_\_\_

Other related caveats should be mentioned, however. <sup>FOIA EXE</sup> is reminded that he is not to give the appearance of governmental endorsement or sanction of any part of the subject matter of his presentation. He may permit use of his official title in conjunction with his speaking engagement only as one of several biographical details provided such mention is not disproportionately featured among these details. Assuming adherence with these OGE standards of conduct, we recommend approval of his request.



# REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

INITIAL REQUEST  
 REVISED REQUEST  
 RENEWAL

1. NAME (Last, First, Initial) FOIA EXC		2. DIVISION/BRANCH DEPP/SPMMPB	
3. POSITION TITLE Chief, SPMMPB		4. GRADE AND SALARY GM15 (\$92,873 PA)	
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SERVICES WILL BE PERFORMED FOIA EXEMPTIONS		6. LOCATION WHERE SERVICES WILL BE PERFORMED FOIA EXC	
7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.)  Making a presentation, entitled "The U.S. System of Environmental Impact Studies," at the Fourteenth Annual Environmental Conference, sponsored by the FOIA EXC in FOIA EXC, on November 5, 1998.			
8. ESTIMATED TIME INVOLVED 4 days			
a. PERIOD COVERED FROM 11/4/98 TO 11/8/98		b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (if on a continuing basis, give estimated time per year) 4 days	
c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK _____			
9. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (Describe) As Chief of SPMMPB, I am responsible for ensuring that EPA actions in Region 2 comply with the National Environmental Policy Act. My presentation will incorporate and refer to my experiences in this area.			
10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOUR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)			
11. METHOD OR BASIS OF COMPENSATION <input type="checkbox"/> FEE <input type="checkbox"/> HONORARIUM <input type="checkbox"/> OTHER (Specify) <input type="checkbox"/> PER DIEM <input type="checkbox"/> PER ANNUM <input type="checkbox"/> ROYALTY <input checked="" type="checkbox"/> EXPENSES (Travel only)		12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)	
13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED IN 5 CFR PART 2635 AND § 6401.102.			
14. SIGNATURE OF EMPLOYEE FOIA EXEMPTIONS		15. DATE 9/9/98	16. ADDITIONAL INFORMATION ATTACHED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
17. DIVISION DIRECTOR APPROVAL			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE 	c. TITLE Director, DEPP	d. DATE 9/10/98
18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL)			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE 	c. TITLE Assistant Regional Counsel	d. DATE 9/16/98
19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE 	c. TITLE Deputy Regional Administrator	d. DATE 9/20/98
APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.			

## INSTRUCTIONS

**Item 5 - Self-Employment:** If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.

**Item 10 - Federal Grants or Contracts Involved:** Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.

**Item 16 - Attachments:** Be sure to sign copies of all attachments submitted.

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### ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL

Mr. Hargrove is reminded that he must not give the appearance of EPA sanction or endorsement of any part of the subject matter of his presentation. Additionally, he may make reference to his official title only as one of several biographical details; such reference to his EPA position may not be given more prominent attention than other such details.

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### ITEM 21 - REASON FOR DISAPPROVAL

**From:** HELEN FERRARA  
**To:** COHEN-MITCHELL, PFeinmar  
**Date:** 9/10/98 4:09pm  
**Subject:** closing -Reply -Reply

I concur in GL/WGL approval of the Outside Activity Request of FOIA EXC  
- he is lucky, both to have this opportunity (in EXC (, no less!) and to get  
in before the issue of the prohibition is revisited



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

file

DATE: 28 1083

SUBJECT: Request for Approval of Outside Activity - FOIA EXC

FROM: Eric Schaaf  
Acting Regional Counsel *E. Schaaf*

TO: William J. Muszynski, P.E.  
Deputy Regional Administrator - Deputy Ethics Official

We have reviewed a request for approval of outside activity submitted to ORC by FOIA EXC of the Division of Environmental Planning and Protection. FOIA EXC seeks approval to engage in outside employment as an adjunct lecturer in the Department of Chemistry and Physical Sciences of EXC University. As the subject matter of the course arguably pertains to some of EPA's programs (oceanography) and the teaching of such material may be considered to be a professional endeavor according to the OGE regulations, formal approval is required by the Agency's supplemental regulation on outside employment at 5 C.F.R. §6401.103(a). He will be compensated by the University for this teaching assignment.

Notwithstanding the OGE's general prohibition on teaching, speaking or writing for compensation on matters relating to official duties, compensated teaching is permitted notwithstanding the relation to official duties when the course is part of an accredited university's established curriculum, as FOIA EXC course is. 5 C.F.R. §2635.807(a)(3). The request, therefore, presents no problem insofar as approval is concerned. We recommend approval.

<b>REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY</b>		<input checked="" type="checkbox"/> INITIAL REQUEST <input type="checkbox"/> REVISED REQUEST <input type="checkbox"/> RENEWAL
1. NAME (Last, First, Initial) <u>FOIA EXEMPTION B</u>	2. DIVISION/BRANCH <u>DEPT / SAFETY</u>	
3. POSITION TITLE <u>En. Specialist - P. Technical</u>	4. GRADE AND SALARY <u>GS-19, # 105, 102</u>	
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SERVICES WILL BE PERFORMED <u>GLG. UNIVERSITY DEPT. OF CHEMISTRY &amp; PHYSICAL SCIENCES</u>	6. LOCATION WHERE SERVICES WILL BE PERFORMED <u>FOIA EXEMPTION B</u>	
7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give if scheduled days of the week and hours of day proposed activity will be performed.) <u>Teach: SCI-170 - Oceanography for Non-Major Majors Spring Semester 2003 - 12/ - 5/11/03 Tuesday 5:15 p.m. - 8:45 p.m.</u>	Description of specific duties or services to be performed. Specify, when possible, the	
8. ESTIMATED TIME INVOLVED <u>3 hours per week</u>		
a. PERIOD COVERED FROM <u>1/21</u> TO <u>5/11/03</u>	b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (If on a continuing basis, give estimated time per year) <u>45 hrs - 05</u>	
c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS? <input checked="" type="checkbox"/> YES   <input type="checkbox"/> NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK _____		
9. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY? <input checked="" type="checkbox"/> NO   <input type="checkbox"/> YES (Describe)		
10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOUR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? <input checked="" type="checkbox"/> NO   <input type="checkbox"/> YES (Describe)		
11. METHOD OR BASIS OF COMPENSATION <input checked="" type="checkbox"/> FEE <input type="checkbox"/> HONORARIUM <input type="checkbox"/> OTHER (Specify) <input type="checkbox"/> PER DIEM <input type="checkbox"/> PER ANNUM <input type="checkbox"/> ROYALTY <input type="checkbox"/> EXPENSES	12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)	
13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED IN 5 CFR PART 2635 AND § 6401.102.		
14. SIGNATURE OF EMPLOYEE <u>FOIA EXEMPTION B</u>	15. DATE <u>1/9/03</u>	16. ADDITIONAL INFORMATION ATTACHED

*WMS  
1/9/03*

				[ ] YES [ ] NO
17. DIVISION DIRECTOR APPROVAL				
a. <input checked="" type="checkbox"/> APPROVED [ ] DISAPPROVED	b. SIGNATURE <i>[Signature]</i>	c. TITLE Director, DEPP	d. DATE 1/9/03	
18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL)				
a. <input checked="" type="checkbox"/> APPROVED [ ] DISAPPROVED	b. SIGNATURE <i>[Signature]</i>	c. TITLE Acting RC	d. DATE 1/29/03	
19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)				
a. <input checked="" type="checkbox"/> APPROVED [ ] DISAPPROVED	b. SIGNATURE <i>[Signature]</i>	c. TITLE DQA-R2	d. DATE 1/28/03	
APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.				

EPA REGION 2 FORM R 3120-1 (revised 10/96)

INSTRUCTIONS	
<p>Item 5 - Self-Employment: If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.</p> <p>Item 10 - Federal Grants or Contracts Involved: Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.</p> <p>Item 16 - Attachments: Be sure to sign copies of all attachments submitted.</p>	
<p>ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL</p>	

ITEM 21 - REASON FOR DISAPPROVAL

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

*file*

DATE: 23 SEP 1986

SUBJECT: Request for Outside Activity - ~~FOIA EXEMPTIONS~~

FROM: Walter E. Mugdan *W. Mugdan*  
Regional Counsel

TO: William J. Muszynski, P.E.  
Deputy Regional Administrator - Deputy Ethics Official

This office has reviewed the outside activity request from ~~EX 6~~ <sup>EX 6</sup> of the Office of Policy and Management. ~~FOIA EX 6~~ <sup>EX 6</sup> seeks approval to provide legal counsel on a voluntary basis, to a local chapter of the ~~FOIA EXEMPTIONS~~ Sorority. She proposes to provide professional advice in the areas of taxation, organizational matters, and issues of general legal applicability. She will also play a role in the organization's public affairs activities. She asserts that none of the proposed activities will relate to any of the Agency's programs.

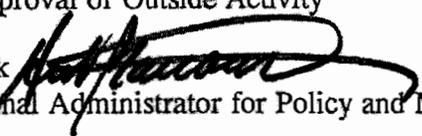
In reviewing this request, we have referred to the regulations on outside activities codified at 5 C.F.R. Part 2635, Subpart H, as well as the Agency's supplemental regulations at 5 C.F.R. § 6401.103. Her request includes the affirmations mandated by the latter regulation concerning her familiarity with applicable restrictions on outside activities.

Although the employee will have a "covered relationship" with the Sorority, the possibility of any need for disqualification is so remote as to render unnecessary any additional remarks in Item 17 of the request form. Accordingly, we recommend approval of this request.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

DATE:

SUBJECT: Request for Approval of Outside Activity

FROM: Herbert Barrack   
Assistant Regional Administrator for Policy and Management

THRU: Walter Mugdan  
Regional Counsel

TO: William J. Muszynski, P.E.  
Deputy Regional Administrator

SEP 18 1996

Attached for your approval is an outside activity form for FOIA exemption. is a GS-15 employee who serves as the Chief of the Grants and Contracts Management Branch in the Office of Policy and Management.

EXG seeks approval to provide legal advice and counsel to the FOIA EXG Junnae Chapter of FOIA EXG Sorority, Inc. on general law, not-for-profit corporate management and tax matters. In this capacity, FOIA EXG plans to: provide legal advice on organizational issues; review existing fiscal recordkeeping procedures and processes; determine compliance with tax statutes, regulations and policies; and, assist in the overall management of the organization's charitable, cultural, educational and public service programs.

Although FOIA EXG is charged with the responsibility of administering the Region's Rapid Tax Amortization program, I do not believe that there will be any conflict between the proposed outside employment and her official duties. This is because the tax advice to be provided will not involve pollution control depreciation allowance matters.

The proposed period of performance, for the outside employment, will be from October 1996 to October 1998. The estimated total time EXG plans to dedicate to this activity is 100 hours per year and all legal services will be performed outside of her normal tour of duty.

In light of the above, I recommend that you approve this request. If you have any questions, please let me know.

Attachment

# REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY\*

- Initial Request  
 Renewed Request  
 Renewal

<b>1. NAME (Last, First, Middle)</b> FOIA Exemptions	<b>2. ORGANIZATIONAL LOCATION</b> Region II - Office of Policy & Mgt. Grants & Contracts Mgt. Branch
<b>3. TITLE OF POSITION</b> Chief, Grants & Contracts Mgt. Branch (Grants Management Officer)	<b>4. GRADE AND SALARY</b> GS-15 (\$79,871)
<b>5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION</b> FOIA EX 6 a. Inc	<b>6. LOCATION WHERE SERVICES WILL BE PERFORMED</b> au Alumnae Chapter FOIA EX 6 County, FOIA EX 6

**7. NATURE OF ACTIVITY** (Describe nature of activity, e.g., teaching, committee services, and give full description of specific duties or services to be performed. Specify, when possible, the estimated date of onset and hours of day proposed activity will be performed.)

Employee seeks approval to provide legal advice and counsel to local chapter of national public service sorority on corporate management/organizational issues; to review existing fiscal recordkeeping procedures; and to determine compliance with tax statutes, regulations and policies.

(a) Employee is familiar with and will abide by the restrictions described in 5 C.F.R. Part 2635 and Section 6401.102.

(b) No official duty time or Government property, resources or facilities not available to the general public will be used in connection with the outside employment.

<b>8. ESTIMATED TIME INVOLVED</b> a. PERIOD COVERED FROM Oct. 1996 to Oct. 1998	b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (If on a continuing basis, give estimated time per year) *Continuing Basis - 100 hrs./year
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**9. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORKING HOURS?**

YES  NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK \_\_\_\_\_

**10. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY?**

NO  YES (Describe): Although employee administers the Region's Rapid Tax Amortization Program, the tax advice to be provided will not involve depreciation allowance matters for pollution control facilities in Agency's jurisdiction.

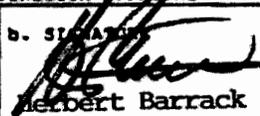
**11. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOUR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY?**

NO  YES (Describe)

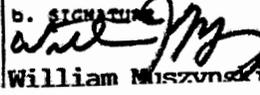
<b>12. METHOD OR BASIS OF COMPENSATION</b> <input type="checkbox"/> FEE <input type="checkbox"/> HONORARIUM <input type="checkbox"/> PER DIEM <input type="checkbox"/> PER ANNUM <input type="checkbox"/> ROYALTY <input type="checkbox"/> EXPENSES <input checked="" type="checkbox"/> OTHER (Specify) NONE	<b>13. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT?</b> <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)
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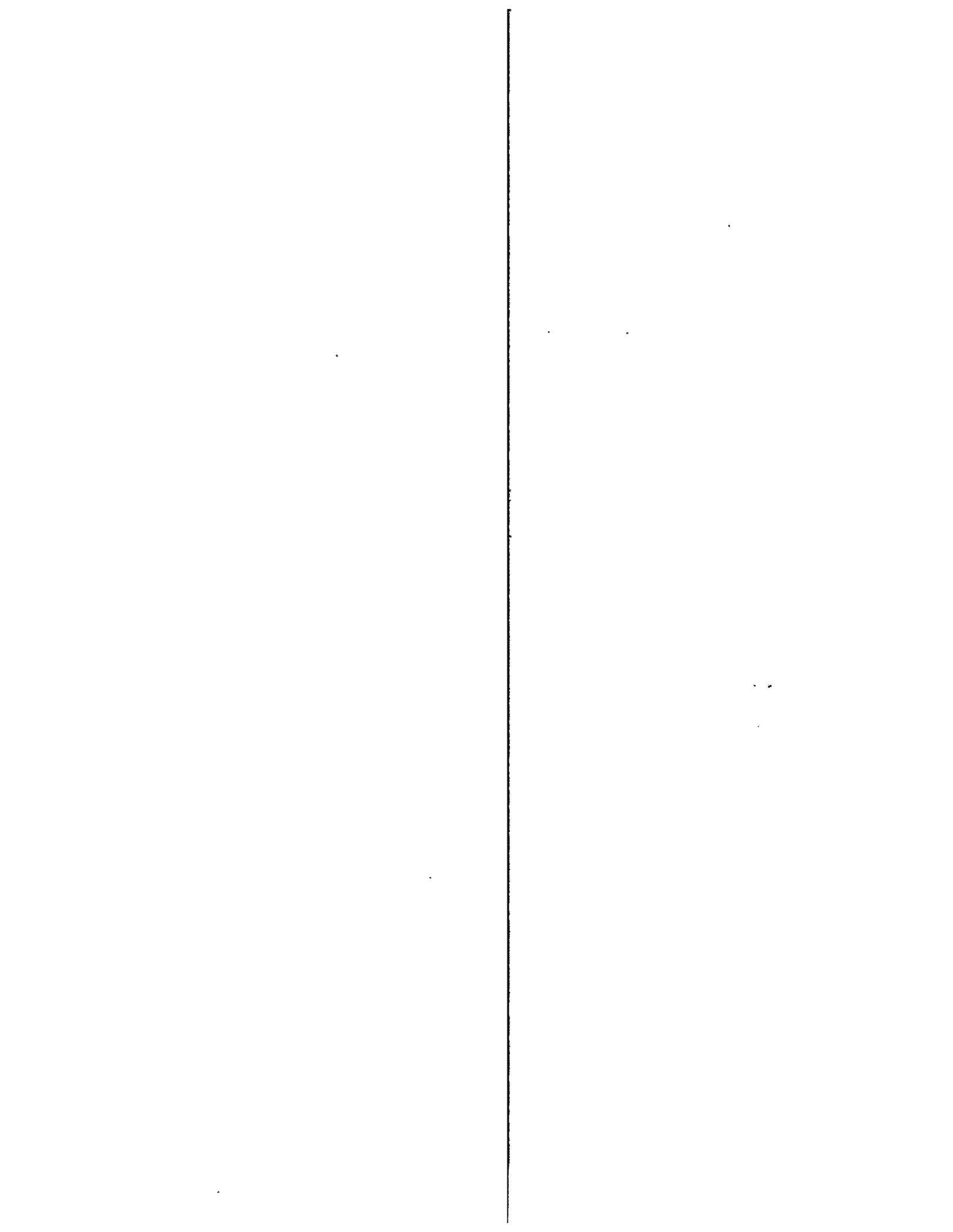
**14. THIS REQUEST IS MADE WITH FULL KNOWLEDGE OF DEPARTMENT AND OPERATING AGENCY POLICY AND PROCEDURES ON OUTSIDE ACTIVITIES. THE STATEMENTS I HAVE MADE ARE TRUE, COMPLETE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.**

<b>14. SIGNATURE OF EMPLOYEE</b> FOIA EX 6	<b>15. DATE</b> 9/16/96	<b>16. ADDITIONAL INFORMATION ATTACHED</b> <input type="checkbox"/> YES <input type="checkbox"/> NO
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<b>17. DIVISION/OFFICE DIRECTOR APPROVAL</b>			
a. <input checked="" type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVED	b. SIGNATURE  Herbert Barrack	c. TITLE Asst. Regional Administrator for Policy & Mgt.	d. DATE 9/16/96

<b>18. ACTION RECOMMENDED</b>			
a. <input checked="" type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVED	b. SIGNATURE  Walter Mysdan	c. TITLE Regional Counsel	d. DATE 9/27/96

<b>19. ACTION TAKEN</b>			
a. <input checked="" type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVED	b. SIGNATURE  William Miszynski	c. TITLE Deputy Regional	d. DATE 9/24/96



# REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

INITIAL REQUEST  
 REVISED REQUEST  
 RENEWAL

1. NAME (Last, First, Initial) <u>FOIA EXC</u>		2. DIVISION/BRANCH DEPP-IO	
3. POSITION TITLE Division Director		4. GRADE AND SALARY SES; \$142,500	
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SERVICES WILL BE PERFORMED <u>FOIA EXC Preservation Committee, ...</u> <u>FOIA exemption</u>		6. LOCATION WHERE SERVICES WILL BE PERFORMED <u>FOIA EXEMPTION</u>	
7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.) I serve as President of <u>EXC</u> , a local conservation organization. <u>EXC</u> is a volunteer organization. Its mission is to promote the conservation and restoration of the Odalls Cove portion of Little Neck Bay. Work is done on my <del>own</del> own time, from home. Work includes preparing correspondence, chairing Board meetings, speaking with Parks Department officials and other City and State officials.			
8. ESTIMATED TIME INVOLVED 100 hours/year			
a. PERIOD COVERED FROM 4/1/04 TO 3/31/09		b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (If on a continuing basis, give estimated time per year) 100 hours/year	
c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK _____			
9. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (Describe) Work of <u>EXC</u> includes wetlands conservation & restoration. Also, may apply for a gov't. grant on occasion. I have recused myself from any official activities involving Odalls Cove or Little Neck Bay.			
10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOUR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (Describe) As noted above, <u>EXC</u> , may on occasion seek small gov't. grants. If so, other officers of UCPC submit the application and manage any grant.			
11. METHOD OR BASIS OF COMPENSATION <input type="checkbox"/> FEE <input type="checkbox"/> HONORARIUM <input type="checkbox"/> OTHER (Specify) <input type="checkbox"/> PER DIEM <input type="checkbox"/> PER ANNUM <input type="checkbox"/> ROYALTY <input type="checkbox"/> EXPENSES None		12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input type="checkbox"/> NO <input type="checkbox"/> YES (Describe) NA	
13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED IN 5 CFR PART 2635 AND 5 8401.102.			
14. SIGNATURE OF EMPLOYEE <u>FOIA EXEMPTION</u>		15. DATE 3/28/04	16. ADDITIONAL INFORMATION ATTACHED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
17. DIVISION DIRECTOR APPROVAL			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL)			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <u>[Signature]</u>	c. TITLE DAC	d. DATE 4/2/04
19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <u>[Signature]</u>	c. TITLE Deputy Reg'l Administrator	d. DATE 4/21/04
APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.			

## INSTRUCTIONS

**Item 5 - Self-Employment:** If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.

**Item 10 - Federal Grants or Contracts Involved:** Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.

**Item 16 - Attachments:** Be sure to sign copies of all attachments submitted.

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ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL

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ITEM 21 - REASON FOR DISAPPROVAL

Additional Information for Item #10:

The ~~FOIA~~ ~~SC~~ Preservation Committee is applying for a Mini-Grant (\$5,000) from the New York/New Jersey Harbor Estuary Program. The grant would be to assist the organization in restoration work in the Udalls Cove watershed. The project is being managed by another ~~SC~~ officer, who is also the signatory on the application. It is possible that, in the future, ~~SC~~ may apply for another small grant from EPA or another federal agency. At EPA, I have recused myself entirely from any activities involving the Udalls Cove watershed.



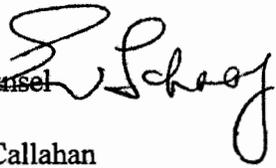
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

*file*

DATE:

SUBJECT: Request for Approval of Outside Activity - FOIA ~~EXC~~

FROM: Eric Schaaf  
Regional Counsel

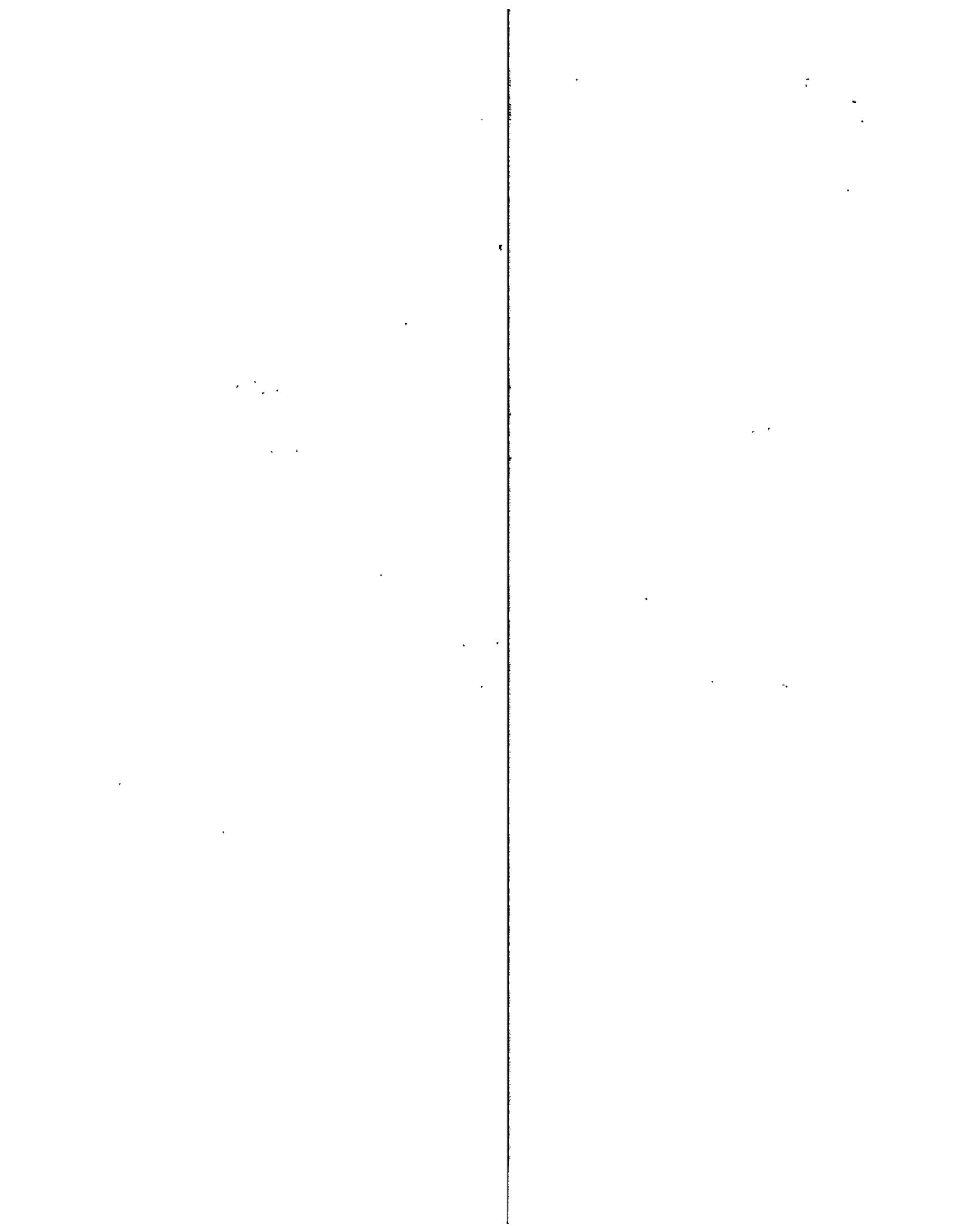


TO:

Kathleen C. Callahan  
Deputy Regional Administrator - Deputy Ethics Official

We have reviewed a request for approval of outside employment that ~~EXC~~ has submitted to ORC. Walter seeks your approval to serve as a member of the Board of Directors of the ~~FOIA EXEMPTION 6~~ ("the Society") and as its in-house counsel. He will receive no compensation for these activities. In accordance with the Agency's supplemental regulation on outside employment at 5 C.F.R. § 6401.103(a), formal approval is required for his counseling efforts as they clearly constitute practice of a profession. Upon reviewing his request, we have referred to the Office of Government regulations concerning impartiality in performing official duties and outside activities codified at 5 C.F.R. Part 2635, Subparts E and H, respectively.

~~EXC~~ asserts that there exists no relationship between his proposed activities and his official duties. That notwithstanding, he will have a "covered relationship" with the Society. As he readily understands the significance of that status from his prior DEO experience and other approved outside endeavors, I am able to dispense with a recitation of the caveats associated with such relationship. We discern negligible potential for conflict between these outside activities and ~~his~~ DEPP responsibilities. Consequently, I recommend that you approve his request.



# REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY		<input checked="" type="checkbox"/> INITIAL REQUEST <input type="checkbox"/> REVISED REQUEST <input type="checkbox"/> RENEWAL	
1. NAME (Last, First, Initial) <u>FOIA ex 6</u>		2. DIVISION/BRANCH <u>DEPP-IO</u>	
3. POSITION TITLE <u>Division Director</u>		4. GRADE AND SALARY SES; <u>\$168K</u>	
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SERVICES WILL BE PERFORMED: <u>FOIA exempt to FOIA, ex 6</u>		6. LOCATION WHERE SERVICES WILL BE PERFORMED: <u>Queens, New York</u>	
7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.)			
I will be a member of the Board of Directors, and will also serve as in-house counsel to the organization. The <u>FOIA ex 6</u> Society is a non-profit education, conservation and research organization that promotes the recovery of bluebirds and other native cavity-nesting bird species in North America.			
8. ESTIMATED TIME INVOLVED			
a. PERIOD COVERED FROM <u>Sept. 2007</u> TO <u>Sept. 2012</u>		b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (If on a continuing basis, give estimated time per year) <u>20 hrs/year</u>	
c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK _____			
9. DO YOUR OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY?			
<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)			
10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOU WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)			
11. METHOD OR BASIS OF COMPENSATION -- <b>NONE</b> <input type="checkbox"/> FEE <input type="checkbox"/> HONORARIUM		12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)	
<input type="checkbox"/> OTHER (Specify) <input type="checkbox"/> PER DIEM <input type="checkbox"/> PER ANNUM <input type="checkbox"/> ROYALTY <input type="checkbox"/> EXPENSES			
13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED IN 5 CFR PART 2635 AND 6401.102.			
14. SIGNATURE OF EMPLOYEE <u>FOIA exemption 6</u>		15. 16. ADDITIONAL INFORMATION DATE ATTACHED <u>9/17/07</u> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
17. DIVISION DIRECTOR APPROVAL			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE
18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL)			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <u>[Signature]</u>	c. TITLE <u>RC</u>	d. DATE <u>9/12/07</u>
19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <u>Nathaniel Cellapa</u>	c. TITLE <u>Deputy Reg'l Adm.</u>	d. DATE <u>9/19/07</u>
APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.			

**INSTRUCTIONS**

Item 5 - Self-Employment: If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.

Item 10 - Federal Grants or Contracts Involvement: Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.

Item 16 - Attachments: Be sure to sign copies of all attachments submitted.

**ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL**

**ITEM 21 - REASON FOR DISAPPROVAL**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

JUN 29 2011

DATE:

SUBJECT: Request for Approval of Outside Activity - FOIA EXC

FROM: Eric Schaaf  
Regional Counsel - Deputy Ethics Official (ORC)

TO: George Pavlou  
Deputy Regional Administrator - Deputy Ethics Official

We have reviewed a request for approval of outside activity submitted to ORC by ~~Felt~~ EXC dated June 23, 2011. EXC and Mitch have discussed this outside employment at some length. EXC seeks approval to continue to write a bimonthly column for an online publication of general interest known as "EXC n." The publication is of primary interest to residents of a small geographic area in EXC. He receives an honorarium of \$600 per column. Walter's column deals with a host of conservation-related issues. Key to his request for approval is the fact that none of these issues deals in significant part with any of EPA's activities, policies or operations. (See addendum to his approval request form.) During the aforementioned discussion Mitch had with EXC, the former determined that EXC's work with FOIA EXC does not require approval per the Agency's supplemental regulation at 5 C.F.R. §6401.103(a). However, due to his active outside professional legal work in the environmental law community, including, but not limited to, the FOIA EXC Environmental Law Leadership Institute, EXC has expressed his desire to "go on the record" with this latest outside venture and consequently, seeks the imprimatur of the Agency.

Among the issues EXC discussed with Mitch was the possible applicability of the OGE's prohibition on acceptance of compensation for writing on matters related to official duties. "Official duties" is broadly defined in the OGE regulation at 5 C.F.R. §2635.807(a)(2)(I). It is not at all clear that the subject matter of EXC's column falls within any of the enumerated categories of "official duties." What is more apparent, however, is that the subject matter of the column falls within EXC's inherent area of expertise based on his educational background and professional experience. That, coupled with the fact that his column addresses environmental subject matter very generally and does not deal specifically with EPA issues, leads me to conclude that the aforementioned OGE prohibition does not apply to EXC's outside writing per 5 C.F.R. §2635.807(a)(2)(E)(4) (see Note).

For all of the reasons discussed above, I recommend approval of EXC's request as I see no potential for violation of the OGE Standards of Conduct. By virtue of prior approvals of his outside activities and his former tenure as a DEO, discussion with EXC of applicable caveats is unnecessary.

101 2.9 401

# Region 2



United States Environmental Protection Agency

HUMAN RESOURCES > REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

Printer Friendly Page For...

## REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY

REQUEST FOR APPROVAL OF OUTSIDE ACTIVITY		<input type="checkbox"/> INITIAL REQUEST <input type="checkbox"/> REVISED REQUEST <input type="checkbox"/> RENEWAL	
1. NAME (Last, First, Initial) <i>FOIA EX6</i>		2. DIVISION/BRANCH <i>ERRD-10</i>	
3. POSITION TITLE <i>Division Director</i>		4. GRADE AND SALARY <i>SES; \$179,700</i>	
5. NAME, ADDRESS AND BUSINESS OF PERSON OR ORGANIZATION FOR WHOM OUTSIDE SERVICES WILL BE PERFORMED <i>FOIA EXEMPTION</i>		6. LOCATION WHERE SERVICES WILL BE PERFORMED <i>FOIA EXEMPTION</i>	
7. NATURE OF ACTIVITY (Indicate type of activity, e.g., teaching, consultative services, and give full description of specific duties or services to be performed. Specify, when possible, the scheduled days of the week and hours of day proposed activity will be performed.)  <i>Writing a column appearing every other week for a local online "newspaper." See attached detailed description.</i>			
8. ESTIMATED TIME INVOLVED <i>&lt; 1 hour/week</i>			
a. PERIOD COVERED FROM <i>FEB. 2011</i> TO <i>FEB. 2013</i>		b. ESTIMATED TOTAL TIME DEVOTED TO ACTIVITY (If on a continuing basis, give estimated time per year) <i>25 hours/year</i>	
c. WILL WORK BE PERFORMED ENTIRELY OUTSIDE USUAL WORK HOURS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF "NO," INDICATE ESTIMATED NUMBER OF HOURS OR DAYS OF ABSENCE FROM WORK _____			
9. DO YOU OFFICIAL DUTIES RELATE IN ANY WAY TO THE PROPOSED ACTIVITY? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)			
10. IF PROVIDING CONSULTATIVE OR PROFESSIONAL SERVICES, ARE YOUR WOULD-BE ASSOCIATES RECEIVING OR WILL THEY SEEK, A GRANT OR CONTRACT FROM A FEDERAL AGENCY? <i>N.A.</i> <input type="checkbox"/> NO <input type="checkbox"/> YES (Describe)			
11. METHOD OR BASIS OF COMPENSATION <input checked="" type="checkbox"/> FEE <input type="checkbox"/> HONORARIUM <i>\$60 per column</i> <input type="checkbox"/> OTHER (Specify) <input type="checkbox"/> PER DIEM <input type="checkbox"/> PER ANNUM <input type="checkbox"/> ROYALTY <input type="checkbox"/> EXPENSES		12. WILL COMPENSATION BE DERIVED FROM A GRANT OR CONTRACT? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (Describe)	
13. BY MY SIGNATURE, I CERTIFY THAT NO OFFICIAL DUTY TIME OR GOVERNMENT PROPERTY, RESOURCES, OR FACILITIES NOT AVAILABLE TO THE GENERAL PUBLIC WILL BE USED IN CONNECTION WITH MY OUTSIDE ACTIVITIES AND THAT I HAVE READ AND AM FAMILIAR WITH, AND WILL ABIDE BY THE RESTRICTIONS DESCRIBED IN 5 CFR PART 2635 AND § 6401.102.			
14. SIGNATURE OF EMPLOYEE <i>FOIA EXEMPTION</i>		15. DATE <i>6/23/11</i>	16. ADDITIONAL INFORMATION ATTACHED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
17. DIVISION DIRECTOR APPROVAL			
a. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE	c. TITLE	d. DATE

18. ACTION RECOMMENDED (OFFICE OF REGIONAL COUNSEL)			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <i>[Signature]</i>	c. TITLE <i>ec</i>	d. DATE 6/29/11
19. ACTION TAKEN (DEPUTY ETHICS OFFICIAL)			
a. <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	b. SIGNATURE <i>[Signature]</i>	c. TITLE Deputy RA/Ethics Official	d. DATE 6/30/11
APPROVAL, IF GRANTED, WILL BE VALID FOR 5 YEARS UNLESS A LONGER PERIOD IS SPECIFIED BY THE DEPUTY ETHICS OFFICIAL.			

EPA REGION 2 FORM R 3120-1 (revised 10/96)

INSTRUCTIONS	
<p>Item 5 - Self-Employment: If applicable, indicate self-employment, the type of service (as medical, legal, etc.), whether alone or with partners. If with others, give their names, and, if providing professional services to a large number of clients or patients, estimate the total number rather than listing them separately.</p> <p>Item 10 - Federal Grants or Contracts Involved: Describe the Federal grants or contracts (type, granting or contracting department, etc.). Full details must be provided on any aspect of professional and consultative services which involves, directly or indirectly, the preparation of grant application, contract proposals, program reports, and other material which are designed to become the subject of dealings between institutions and government units and the Federal Government.</p> <p>Item 16 - Attachments: Be sure to sign copies of all attachments submitted.</p>	
ITEM 20 - COMMENTS OF RECOMMENDING OFFICIAL	
ITEM 21 - REASON FOR DISAPPROVAL	

Contact: feeley.james@epa.gov  
 Created: 04/08/2003 11:58:40 AM -- Last Modified: 11/16/2006 3:09:05 PM

### Addendum to Item 7.: NATURE OF ACTIVITY

FOIA EXC is an online daily "newspaper" published by AOL. There are hundreds of editions nationwide; each edition is focused on a very small geographic area – usually a single community.

I have served for many years on the Board of Directors of the FOIA EXC Preservation Committee, Inc. EXC, a small, non-profit conservation group in the FOIA EXC area of EXC. Since 2002 I have served as President of the group. (I have received Approval of Outside Activity for this work.)

In my capacity as President of EXC, I was asked by FOIA EXC (.com to write a regular column, entitled "FOIA EXC". The column appears every other week. Each installment is about 400-450 words long. Publication of the series began in February, 2011. I receive \$ for each installment. The most recent installment (6/20/11) can be viewed at: FOIA EXEMPTION 6; FOIA EXEMPTION 6; all other installments are also accessible through this link.

The series of columns has covered the following topics to date:

- Geologic history and current geography of Long Island and northeastern Queens in particular;
- history of the filling of wetlands in the New York City area in general, and Queens in particular, starting with the European settlement of Manhattan 400 years ago;
- history of the effort to preserve the remnant wetlands in the northeast corner of Queens, starting in the 1960s (these efforts resulted in the expansion of Alley Pond Park and the creation of Udalls Cove Park);
- history of the formation of the Udalls Cove Preservation Committee in 1969, and its efforts since then to conserve, preserve and restore the remaining undeveloped lands in the Udalls Cove watershed.

In one column I alluded briefly to the passage, in 1972, of the federal Clean Water Act, as one of a series of environmental laws passed as a consequence of the wave of public interest in the environment that started in the late 1960's. This is the only reference to federal environmental law in the series.

It is possible that, in a future column, I might write about a Combined Sewer Overflow abatement project that has recently been completed along Alley Creek, within Alley Pond Park; and/or I might write about our work over the past decade at the Stanton Cleaners Superfund site, which is located less than a half mile from Udalls Cove. If and when I do so, I would not accept any payment for such articles. Note that I am not identified in the bylines of the columns as being affiliated with the U.S. EPA.

11

**MEMORANDUM**

**FROM:** \_\_\_\_\_  
**TO:** Al McGartland, Deputy Ethics Official  
**SUBJECT:** Outside Employment  
**CC:** Shelley Levitt, Chief of Staff

Request for Approval for Outside Employment

I am writing to request approval for outside employment. I currently have three businesses registered in my name:

1. A Mary Kay business
2. \_\_\_\_\_ - Registered as an interior decoration entity, and
3. \_\_\_\_\_ s LLC - a commercial cleaning/facilities management company

I do not earn any income from the Mary Kay and \_\_\_\_\_ businesses.

Thank you.

Approved  Date 3/10/08  
Al McGartland  
OPEI/NCEE  
Deputy Ethics Official

*Macchi & I discussed in detail the nature of these businesses - (3) does not deal w/ any regulated entity (nor does 1 & 2).*

REQUEST COPY/APPROVAL COPY

December 11, 2002

From: FOIA EXC ✓  
Senior Program Analyst GM-343-15  
To: Al McGartland  
Deputy Ethics Official  
Subject: Request for Approval of Outside Employment

This memorandum requests approval to work part time as a financial planner. In the past I have worked part time for FOIA EXC n, Inc., a small EX. G based company that specializes in providing 'fee-only' personal financial advice and asset management services to high net worth individuals and families. I have terminated my relationship with FOIA EXC and am planning on continuing to work part time in this field under other arrangements.

I am setting up my own 'fee-only' financial planning business and I am also exploring financial planning related teaching and consulting activities. The basis for my compensation will be fee for services provided, e.g. an annual retainer, a per-hour worked charge or a fee based on a percentage of assets. I will not be selling any products, e.g., insurance or securities, on a commission basis.

I expect to initially devote an average of 8 to 12 hours a week to this endeavor and expect it to gradually increase to 12 to 18 hours per week over the next 3 to 5 years. My work in this arena will be done entirely outside of my normal duty hours at EPA. I plan on doing this work during portions of my scheduled: compressed days, weekends, evenings, holiday and periods when I am on annual leave. While undertaking this part time endeavor, my first priority remains a commitment to fully meet all of my obligations as an employee at EPA. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment.

I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and Section 6401.102. I recognize that I am not allowed to work for the recipient of any Federal assistance agreements or contracts.

Deputy Ethics Official Approval

Based on the above provided information, I have determined that the requested outside employment will not involve conduct prohibited by statute or Federal regulation including 5 CFR Part 2635 and Section 6401.102. Approval for described outside employment is hereby granted.

Al McGartland AM. [Signature] Date 12/14/02  
Deputy Ethics Official

Approved

**MEMORANDUM**

From: FAIA EXC Economist, GS-13  
To: Al McGartland, Deputy Ethics Official  
Subject: Compensation for teaching at FAIA EXC College, FAIA EXC  
Date: July 19, 2004

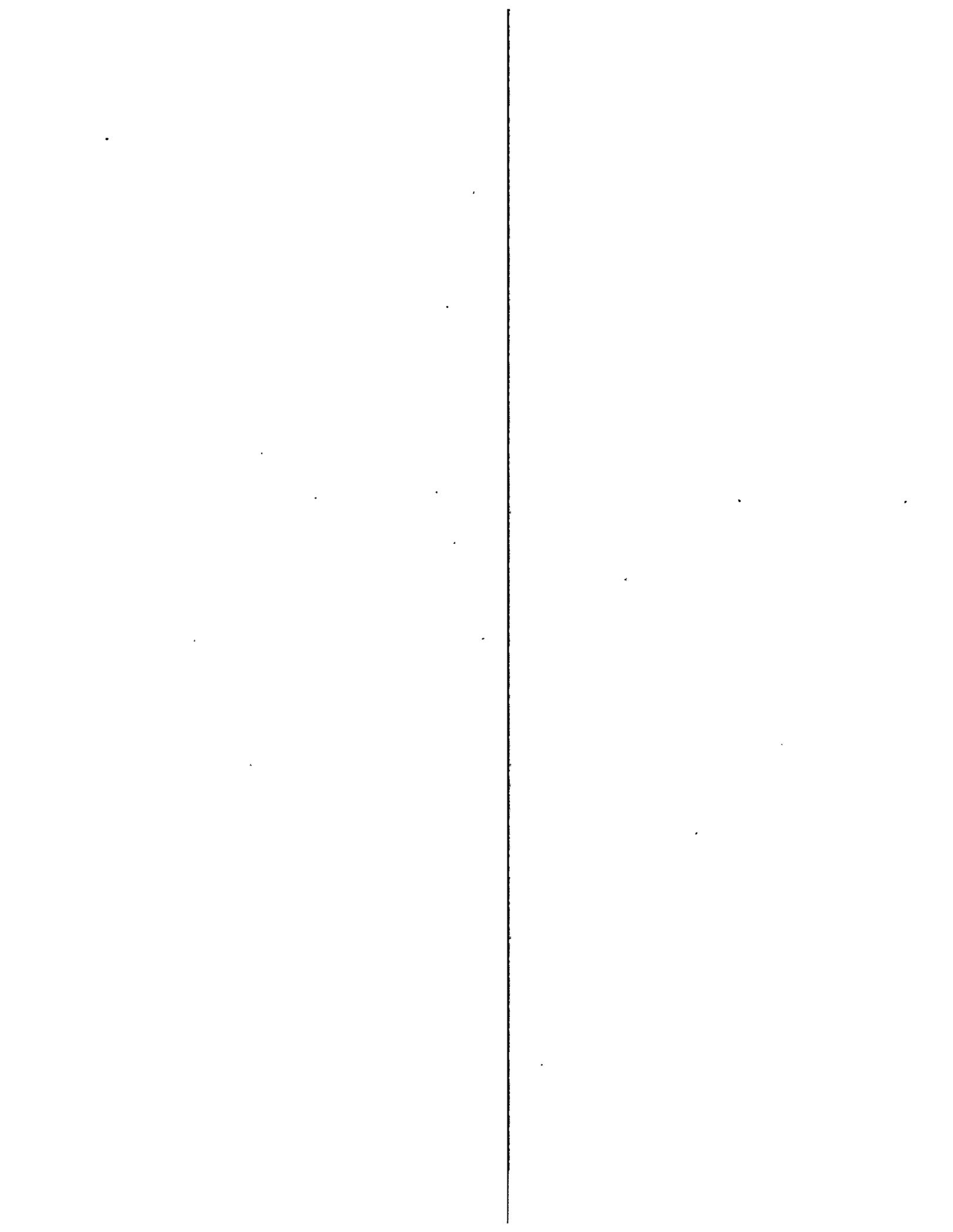
During the Spring of 2002, I received compensation for teaching a three credit introductory economics course at FAIA EXC College, FAIA EXC. This work involved only the use of my general training in economics, and there was no substantive overlap with my duties at EPA. Compensation was \$FAIA EXC bi-weekly, totaling \$FAIA EXC for the semester, and my teaching took place outside of my normal duty hours and did not use any government property or resources.

5 CFR part 6401.103 (a) requires prior approval from my Deputy Ethics Official for certain types of outside employment. Although I received verbal approval for my teaching duties from \_\_\_\_\_, my immediate supervisor, I failed to obtain approval from Al McGartland, my DEO.

However, I do not believe that my outside employment fell under 6401.103 since it was not consistent with requirements (a)(1, 3, 4, and 5) and (a) (2) which refers to a profession defined in 5 CFR 2636.305 (b) (1) is so general that it could apply to any activity. In addition, some parts of the code were revised on January 1, 2003 and may not be applicable.

I have read and will abide by the restrictions described in 5 CFR part 2635 (STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH) and Sec. 6401.102. (SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE ENVIRONMENTAL PROTECTION AGENCY).

FAIA EXC \_\_\_\_\_  
Date 7/19/04



**MEMORANDUM**

From: FOIA EXC  
To: Al McGartland, Deputy Ethics Official  
Subject: Compensation for teaching class at FOIA EXC University  
Date: December 10, 2007

Per 5 CFR part 6401.103 requirements, I wish to request approval to engage in outside employment for compensation. I wish to receive compensation for a teaching a class in the School of Public Policy of FOIA EXC University EXC. The course is EXC: Trade and Microeconomics for International Commerce. It is a core course in the International Commerce and Policy (ICP) program. The course description follows:

Provides a foundation in international economics and presents the fundamentals of international trade, finance, and transactions. Focuses on alternative approaches to understanding the international economic system. Topics covered include supply and demand theory, tariffs, customs unions, institutions, and economic development. Students employ appropriate analytical approaches, including graphical analyses, and communicate the results concisely. The emphasis is on relating theory to practical applications.

The class will meet 7:20-10:00 PM on Tuesdays during the Spring 2008 semester at the FOIA EXC Campus of FOIA EXC. This work will involve only the use of my general training in economics, and will involve no substantive overlap with my current or expected duties at EPA.

In teaching the class, no official duty time, government property or resources will be used.

I have read, and am familiar with, and will abide by the restrictions described in 5 CFR part 2635 (STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH) and Sec. 6401.102. (SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE ENVIRONMENTAL PROTECTION AGENCY).

Approved: Al McGartland 1/7/08  
Al McGartland Date  
Deputy Ethics Official

Disapproved: \_\_\_\_\_  
Al McGartland Date  
Deputy Ethics Official

**MEMORANDUM**

From: (FOIA Ex)
To: Al McGartland, Deputy Ethics Official
Subject: Compensation for teaching class at (FOIA Ex) University
Date: June 1, 2008

Per 5 CFR part 6401.103 requirements, I wish to request approval to engage in outside employment for compensation. I wish to receive compensation for a teaching a class in the School of Public Policy of (FOIA Ex) University (FOIA Ex). The course is Trade and Microeconomics for International Commerce. It is a core course in the International Commerce and Policy (ICP) program. The course description follows:

Provides a foundation in international economics and trade, finance, and transactions. Focuses on alternative approaches to understanding the international economic system. Topics covered include supply and demand theory, tariffs, customs unions, institutions, and economic development. Students employ appropriate analytical approaches, including graphical analyses, and communicate the results concisely. The emphasis is on relating theory to practical applications.

The class will meet 7:20-10:00 PM on Wednesdays during the Fall 2008 semester at the (FOIA Ex) campus of (FOIA Ex). This work will involve only the use of my general training in economics, and will involve no substantive overlap with my current or expected duties at EPA.

In teaching the class, no official duty time, government property or resources will be used.

I have read, and am familiar with, and will abide by the restrictions described in 5 CFR part 2635 (STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH) and Sec. 6401.102. (SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE ENVIRONMENTAL PROTECTION AGENCY).

Approved: [Signature]
Al McGartland
Deputy Ethics Official

[Signature]
6/4/08
Date

Disapproved: \_\_\_\_\_
Al McGartland
Deputy Ethics Official

\_\_\_\_\_
Date



Re: Ethics approval request for teaching course at Hopkins

02/09/2009 11:59 AM

Al McGartland to FOIA EXC  
cc FOIA EXC, "Shelley Levitt"

OK. Please print this out and give to Shelley as official record of DEO approval.  
Sent via blackberry, please excuse typos and brevity

Al McGartland, PhD.  
Director, National Center for Environmental Economics  
US EPA  
1201 Pennsylvania Ave., N.W.  
Washington, D.C. 20460

202.566.2244

FOIA EXC

----- Original Message -----

From: FOIA EXC  
Sent: 02/09/2009 11:28 AM EST  
To: Al McGartland  
Cc: FOIA EXC  
Subject: Ethics approval request for teaching course at

Hi Al -

Charles and I have been asked to teach a Cost-Benefit Analysis course next fall for the Applied Economics Master's program at FOIA EXC. This note is to request ethics approval to teach the course.

The course would run approximately from September 9th to December 19th and involves 14 weekly meetings (with the last meeting either being for the final exam or instruction). Classes take place in the evening and run from 6:00pm to 8:45pm at the FOIA EXC Center near FOIA EXC. Compensation is \$ EXC total (i.e., \$ EXC for each of us as instructors).

The course would be taught in the evenings, after EPA working hours. We would not use official duty time or Government property for the course.

If you need more information please let us know.

Thank you,

- EXC

202 EXC

FOIA EXC

Director, Science Policy and Analysis Division  
National Center for Environmental Economics

US EPA (1809T)  
1200 Pennsylvania Ave, NW  
Washington, DC 20460

17 February 2009

MEMORANDUM

SUBJECT: Part time employment with FOIA EXC 3 University School of: FOIA EXC  
FOIA EXC Studies EXC

FROM: FOIA EXC  
OPEI/NCEE/BAMDD

TO: Al McGartland  
NCEE Director/Deputy Ethics Official

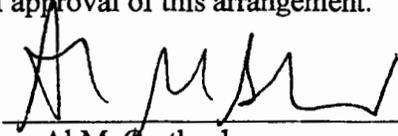
CC: Shelley Levitt  
OPEI/NCEE

Brett Snyder  
OPEI/NCEE/BAMDD

For the last several years I have taught at EXC while working part-time at NCEE. Beginning in September 2008 I have worked 32 hours per week in NCEE while continuing to teach a course at EXC. In the 2009-10 academic year I plan to teach one year-long course at EXC the "International Environmental Policy Practicum," in which I supervise teams of graduate students as they conduct *pro bono* consultancies on environmental issues for non-profit clients. I do my work for EXC on my own time and using a computer and work space either at home or at EXC.

I have done my work at EXC in the past with the approval of EPA, and would now simply like to note for the record that I plan to continue this part-time outside employment. I would be grateful if you could sign and date this memorandum to signify your formal approval of this arrangement.

Approved



Al McGartland  
OPEI/NCEE  
Deputy Ethics Official

Date

2/17/09

MEMORANDUM

FROM: <sup>FOIA  
ex 6</sup> FOIA EXEMPTIONS <sup>FOIA  
ex 6</sup>

TO: Al McGartland, Deputy Ethics Official

SUBJECT: Outside Employment (university teaching)

DATE: March 25, 2009

CC: Shelley Levitt, Chief of Staff

We have been invited to teach Environmental Economics for the Master's Program in Environmental Sciences and Policy a <sup>FOIA EXEMPTION</sup> University this summer.

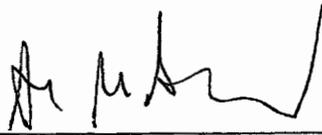
The class would take place on Monday and Wednesday evenings, outside of work hours, running from June 1 to July 8 on the <sup>FOIA EXEMPTIONS</sup> campus. Compensation is \$ ~~80~~ for each of us as co-instructors.

As you recall, <sup>FOIA EX 6</sup> and I have taught this course before, and we would not <sup>AA</sup> use official duty time or EPA property for this work.

We request ethics approval for this outside employment.

Thank you.

Approved



Al McGartland  
OPEI/NCEE  
Deputy Ethics Official

Date

3/26/09

**MEMORANDUM**

From: (FOIA EXC)  
To: Al McGartland, Deputy Ethics Official  
Subject: Compensation for teaching class at FOIA EXC University  
Date: October 1, 2009

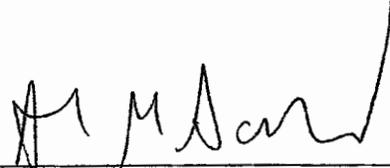
Per 5 CFR part 6401.103 requirements, I wish to request approval to engage in outside employment for compensation. I wish to receive compensation for a teaching a class in the School of Public Policy of FOIA EXC University (EXC). The course is FOIA EXC: Trade and Microeconomics for International Commerce. It is a core course in the International Commerce and Policy (ICP) program. The course description follows:

Provides a foundation in international economics and trade, finance, and transactions. Focuses on alternative approaches to understanding the international economic system. Topics covered include supply and demand theory, tariffs, customs unions, institutions, and economic development. Students employ appropriate analytical approaches, including graphical analyses, and communicate the results concisely. The emphasis is on relating theory to practical applications.

The class will meet 7:20-10:00 PM on Wednesdays during the Spring 2010 semester at the FOIA EXC Campus of EXC. This work will involve only the use of my general training in economics, and will involve no substantive overlap with my current or expected duties at EPA.

In teaching the class, no official duty time, government property or resources will be used.

I have read, and am familiar with, and will abide by the restrictions described in 5 CFR part 2635 (STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH) and Sec. 6401.102. (SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE ENVIRONMENTAL PROTECTION AGENCY).

Approved:   
Al McGartland  
Deputy Ethics Official  
Date

Disapproved: \_\_\_\_\_  
Al McGartland  
Deputy Ethics Official  
Date

**MEMORANDUM**

From: FOIA ETC  
To: Al McGartland, Deputy Ethics Official  
Subject: Compensation for teaching class at FOIA ETC University  
Date: February 15, 2010

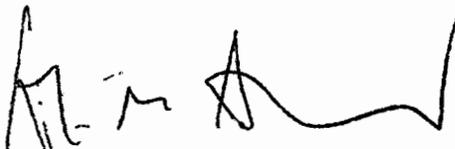
Per 5 CFR part 6401.103 requirements, I wish to request approval to engage in outside employment for compensation. I wish to receive compensation for a teaching a class in the School of Public Policy of FOIA ETC rsity (ECU). The course is ~~FOIA ETC~~: Trade and Microeconomics for International Commerce. It is a core course in the International Commerce and Policy (ICP) program. The course description follows:

Provides a foundation in international economics and presents the fundamentals of international trade, finance, and transactions. Focuses on alternative approaches to understanding the international economic system. Topics covered include supply and demand theory, tariffs, customs unions, institutions, and economic development. Students employ appropriate analytical approaches, including graphical analyses, and communicate the results concisely. The emphasis is on relating theory to practical applications.

The class will meet 7:20-10:00 PM on Tuesdays during the Fall 2010 semester at the Campus of ECU. This work will involve only the use of my general training in economics, and will involve no substantive overlap with my current or expected duties at EPA.

In teaching the class, no official duty time, government property or resources will be used.

I have read, and am familiar with, and will abide by the restrictions described in 5 CFR part 2635 (STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH) and Sec. 6401.102. (SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE ENVIRONMENTAL PROTECTION AGENCY).

Approved:    
Al McGartland Date  
Deputy Ethics Official

Disapproved: \_\_\_\_\_  
Al McGartland Date  
Deputy Ethics Official

MEMORANDUM

FROM:

FOIA EXC 5  
FOIA EXC 6  
FOIA EXC 6  
FOIA EXC 6

TO:

Al McGartland, Deputy Ethics Official

SUBJECT:

Outside Employment

CC:

Shelley Levitt, Chief of Staff

We have again been asked by FOIA EXC 6 University to co-teach Environmental Economics (summer) and Benefit-Cost Analyses (fall). The courses are taught in the evenings, after regular working hours, and would require no use of EPA resources.

The terms are also similar to prior years. Gross pay for each of us is \$ EXC 6 per course for total compensation for a total of \$ EXC 6 this calendar year.

Thank you for considering our request for ethics approval.

Approved



Al McGartland  
OPEI/NCEE  
Deputy Ethics Official

Date

6/1/10

You need to do this  
only every other year -

Al



**Fw: Teaching Environmental Economics at Georgetown (Spring 2010) -- I am very sorry for the late notification**

FOIA EXL to: Shelley Levitt

06/16/2010 02:48 PM

--- Forwarded by FOIA EXL DC/USEPA/US on 06/16/2010 02:48 PM ---

From: FOIA EXL DC/USEPA/US  
To: Al McGartland/DC/USEPA/US@EPA  
Date: 01/08/2010 06:43 PM  
Subject: Re: Teaching Environmental Economics at Georgetown (Spring 2010) -- I am very sorry for the late notification

Thanks Al. Again sorry about the late notification.

Have a good weekend.

Re: Teaching Environmental Economics at Georgetown (Spring 2010) -- I am very sorry for the late notifi...



**Re: Teaching Environmental Economics at Georgetown (Spring 2010) -- I am very sorry for the late notification**

Al McGartland to: FOIA EXL

01/08/2010 04:40 PM

You're fine -- teaching position is approved (as your DEO).

Al McGartland, PhD.  
Director, National Center for Environmental Economics  
US EPA  
1201 Pennsylvania Ave., N.W.  
Washington, D.C. 20460

202.566.2244

FOIA EXL

Hi Al - FOIA EXL : has asked me to teach a c...

01/08/2010 04:20:01 PM

From: FOIA EXL DC/USEPA/US  
To: Al McGartland/DC/USEPA/US@EPA  
Cc: Brett Snyder/DC/USEPA/US@EPA  
Date: 01/08/2010 04:20 PM  
Subject: Teaching Environmental Economics at Georgetown (Spring 2010) -- I am very sorry for the late notification

[attachment "Georgetown Spring 2010 (FOIA EXL).doc" deleted by Al McGartland/DC/USEPA/US]

Hi Al -

FOIA EXL has asked me to teach a course at FOIA EXL University this Spring semester. I will be teaching ECON-475 Environmental Economics. I have attached a memo asking for you, as the NCEE Deputy Ethics Official, to grant me permission to teach this course. I am really sorry for the late

notification. Brett told me over a month ago that I needed to get your permission and it completely slipped my mind until just now.

Thank you.

PERMEXO

**MEMORANDUM**

From: FOIA EXC  
To: Al McGartland, Deputy Ethics Official  
Subject: Invitation to serve on Editorial Board of FOIA EXC  
Date: September 4, 2012

Per EPA Ethics Advisory 89-19, I wish to request approval to accept an invitation to serve on the Editorial Board of FOIA EXC mics (<http://www.journals.exo.com/foia-exc>). As a member of the editorial board, my responsibilities will include:

- (1) At FOIA EXC, associate editors are primarily super-reviewers. Given the number of papers I review for FOIA EXC, little will change in practice, apart from the public acknowledgement of my efforts.
- (2) Associate editors are occasionally asked for advice on journal policy or a thorny paper, and are welcome to give unsolicited advice at any time.
- (3) My name will appear on the journal cover.

This work will involve only the use of my general training in economics, and will involve no substantive overlap with my current or expected duties at EPA.

I have read, and am familiar with, and will abide by the restrictions described in 5 CFR part 2635 (STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH) and Sec. 6401.102. (SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE ENVIRONMENTAL PROTECTION AGENCY).

Approved: Al McGartland 9/20/12  
Al McGartland Date  
Deputy Ethics Official

Disapproved: \_\_\_\_\_  
Al McGartland Date  
Deputy Ethics Official

Date: February 8, 2012

To: Al McGartland, NCEE

From: FOIA EXC, NCEE

Purpose: Approval of Outside Employment at FOIA EXC University for 2012

I am seeking approval for outside employment to teach a Masters level class at FOIA EXC University for the fall and spring semesters. The classes will consist of providing a supervisory role to students as they design a research project from start to finish that will then serve as their thesis. I will supervise students that have chosen to concentrate their research on an energy or environmental issue. The class will be held on Monday evenings.

This year-long (two-semester) course is aimed at preparing Master-level students for a possible future career in academics, where they would be required to initiate and execute original studies on public policy. They are required to conduct original research (with an emphasis on quantitative or empirical aspects) on some particular issue in public policy, and present the results in the form of a paper. The purpose of the course is to successfully use data and multivariate regression methods to analyze a specific, testable question.

The course is divided into two semesters. In the fall semester the students write a research proposal that described the research question and how they plan to address it. In the spring semester, they will conduct empirical analyses - running initial regressions, interpreting results, performing robustness checks as and when needed (and feasible), drawing policy implications and discussing potential drawbacks of and directions for future research.

I am also seeking approval to co-teach a Masters level environmental economics class with FOIA EXC at FOIA EXC University in the summer of 2012.

Key contact:

FOIA EXC  
Assistant Dean, MPP Program  
FOIA EXC Institute  
FOIA EXC  
FOIA EXC  
FOIA EXC phone  
FOIA EXC fax

Approval Signature \_\_\_\_\_

Date: 2/8/2012

**MEMORANDUM**

From: FOIA EXC  
To: Al McGartland, Deputy Ethics Official  
Subject: Compensation for teaching class at (FOIA EXC) University (Spring 2013 semester to Fall 2015 semester)  
Date: October 2, 2012

Per 5 CFR part 6401.103 requirements, I wish to request approval to engage in outside employment for compensation. I wish to receive compensation for a teaching a class in the School of Public Policy of FOIA EXC University (EXC). The course is FOIA EXC: Trade and Microeconomics for International Commerce. It is a core course in the International Commerce and Policy (ICP) program. The course description follows:

Provides foundation in international economics, and presents fundamentals of international trade, finance, and transactions. Focuses on alternative approaches to understanding international economic system. Topics include classical and neoclassical theories of trade, alternative theories of trade and their extensions, tariffs, customs unions, institutions, and economic development. Students learn to employ appropriate analytical approaches, including graphical analyses, and communicate the results concisely. Throughout, emphasizes relating theory to practical applications.

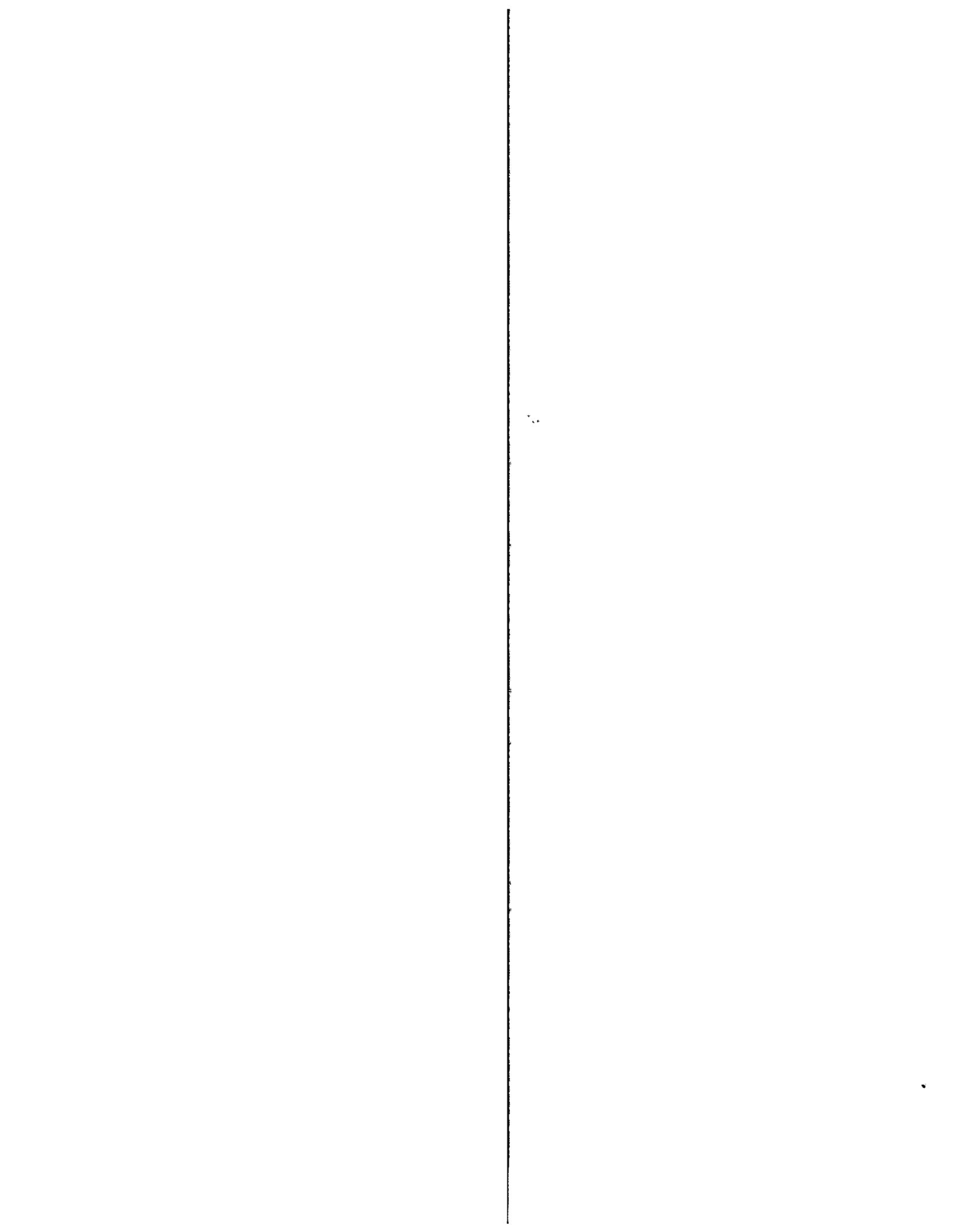
The class will meet 7:20-10:00 PM on Wednesdays during the Spring 2013 semester at the FOIA EXC Campus of EXC. This work will involve only the use of my general training in economics, and will involve no substantive overlap with my current or expected duties at EPA. It is likely that in subsequent semesters I will teach this class on Tuesday during the Fall and Wednesday during the Spring.

In teaching the class, no official duty time, government property or resources will be used.

I have read, and am familiar with, and will abide by the restrictions described in 5 CFR part 2635 (STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH) and Sec. 6401.102. (SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE ENVIRONMENTAL PROTECTION AGENCY).

Approved: Al McGartland 10/3/12  
Al McGartland Date  
Deputy Ethics Official

Disapproved: \_\_\_\_\_  
Al McGartland Date  
Deputy Ethics Official





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
ADMINISTRATION  
AND RESOURCES  
MANAGEMENT

**MEMORANDUM**

**SUBJECT:** Request for Approval of Outside Employment

**FROM:** *FOIA exemption 6*  
*FOIA EX 6* IT Service Center Manager, GS-15  
Office of Acquisition Management

**THRU:** Thomas Dussault, Acting Deputy Director  
Office of Acquisition Management

**TO:** John Bashista, Deputy Ethics Official  
Office of Acquisition Management

I am requesting approval to pursue outside employment. My outside employment will involve working as an agent for a global customer services organization, *FOIA EX 6*. I estimate that I will devote 10 hours per week to this activity, all of which will be outside normal duty hours. No official duty time or government property, resources, or facilities available to the general public will be used in connection with the outside employment. Compensation will be provided bi-weekly based on services rendered. Compensation is estimated at \$125 per week. I have read and am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside activities) and Section 6401.102 (EPA's Supplemental Regulations). I am not aware of any EPA assistance agreements or contracts held by the company to whom my services are being provided.

*Approval  
Attached*

FOIA EXEMPTIONS

Query

- Contact Sales ▾
- Resources
- Login
- Why ~~EX~~
  - Our Products
  - Our Services
  - Our Customers
  - Connect
  - Our Company

A funny thing happens when you care about customer service. It's not just a department alongside marketing and sales. In the cloud-based enterprise, customer service is a pervasive mindset and focus that knows no geographical or departmental boundaries.

## All About ~~FOIA EXEMPTIONS~~

How 'bout that? Turns out people pleasers finish first.

- 12+ years of cloud innovation
- 30,000+ users globally
- 250+ Customers
- 3 billion Interactions Handled

F  
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L  
C  
W  
V

# The story of FOIA EXEMPTIONS

C  
C  
W

We started 10+ years ago, motivated by the ability to use the Internet to intelligently route work to customer service agents anywhere, anytime. We created innovative technology that modernized customer service and paved the way for the next game-changing opportunity.

Then-bam! The mobile revolution hit. The social revolution hit. The consumerization of the contact center hit. People were no longer just using mobile devices to be social with their friends and family. Mobile devices enabled them to tweet, chat and post customer service inquiries, complaints and compliments directly to brands publicly.

Marketing departments are crazy about these new outbound communication channels and promotional opportunities. Then customers started expecting a two-way conversation on social channels. But Marketing alone doesn't have the skillset, time or knowledge to provide full customer engagement. The customer service contact center however, has the skillset, the time, the knowledge and the technology needed to respond and fully manage these customer relationships. EXC has successfully pivoted from being a talent service provider to a full-service provider of technology and talent to meet this new demand head on.

## Enter the FOIA EXC Platform: changing customer service forever

In a world of piece-meal solutions, EXC set out to "answer the call" of modern day customer engagement. We cracked the code for enabling fast, smart communication – regardless of the incoming channel. Gone are the siloed channels of phone, email, chat, and social media. Gone is the church and state line between marketing and customer service. Finally, the right hand knows what the left hand is doing and everyone in your organization can truly deliver on the "how can I help?" promise.

With EXC, brands have a 24/7, 360-degree ability to connect with consumers faster, better and cost-effectively. Customers and brands finally have a two-way, real-time interaction on the consumer's channel of choice whether it be traditional voice, email, chat, SMS, social or mobile.

### How do we do it?

By leveraging our roots in customer service, continuing to lead the industry with our innovative technology, harnessing the benefits of the cloud, and by following the vision of

our President and CEO, <sup>FOIA</sup> ~~EX6~~, led a similarly dramatic market shift to enterprise mobility and mobile commerce at <sup>FOIA</sup> ~~EX6~~, over part <sup>FOIA</sup> ~~EX6~~. It's transforming customer interactions by leading the convergence of cloud, social and mobile in the contact center.



VIDEO

<sup>FOIA</sup> ~~EX6~~ "I'm a pivoter. You have to be."

ABOUT <sup>EX6</sup>

Company Overview

Latest News

We Are Hiring!

Become an Agent

Blog

<sup>EX6</sup> Green

Contact Us

CLOUD CONTACT CENTER TECHNOLOGY

Why Cloud Computing?

Not Just A Call Center Anymore

Five Requirements for a True Cloud Contact Center

Why LiveOps?

CLOUD CONTACT CENTER APPLICATIONS

<sup>EX6</sup> s Engage™

<sup>EX6</sup> Voice™

<sup>EX6</sup> Chat and Email™

<sup>EX6</sup> Social™

<sup>EX6</sup> s Insight™

<sup>EX6</sup> Recording™

<sup>EX6</sup> s Authoring™

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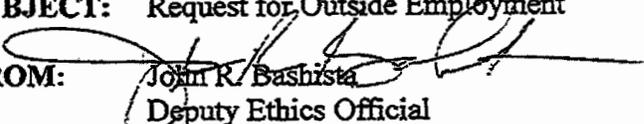
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAY 25 2011

OFFICE OF  
ADMINISTRATION  
AND RESOURCES  
MANAGEMENT

**MEMORANDUM**

**SUBJECT:** Request for Outside Employment

**FROM:**   
John R. Bashista  
Deputy Ethics Official  
Office of Acquisition Management

**TO:** FOIA EXC  
Procurement Analyst

This letter is in response to your request for outside employment. You requested approval to serve as an adjunct professor, teaching on-line procurement related courses for FOIA EXC University located in FOIA EXEMPTION.

I have reviewed your request and concluded that the nature of the activity you will be involved in does not conflict with or create an appearance of conflict with your official Government duties and responsibilities. I hereby approve your request, as required under 5 CFR 6401.103.

You are reminded that you cannot talk about EPA specific procurements, use EPA materials or engage in your outside activity while on official time. You may convey your knowledge and information about government procurement in general, if it is all public information.

If your duties should change, you are required to resubmit your request to me immediately. If you have additional questions, please contact Joan Wooley, Alternate Deputy Ethics Official at (202) 564-4732.

**CC:** Lisa Maass  
Andrea Brunsman



**Monroe, Scott**

---

**From:** Shaw, Betsy  
**Sent:** Friday, January 08, 2016 3:52 PM  
**To:** FOIA EXEMPTION 6  
**Cc:** Saltman, Tamara; Monroe, Scott  
**Subject:** Approval of Outside Employment Request  
**Attachments:** Outside Employment Request for FOIA EX 2016.docx

MEMORANDUM

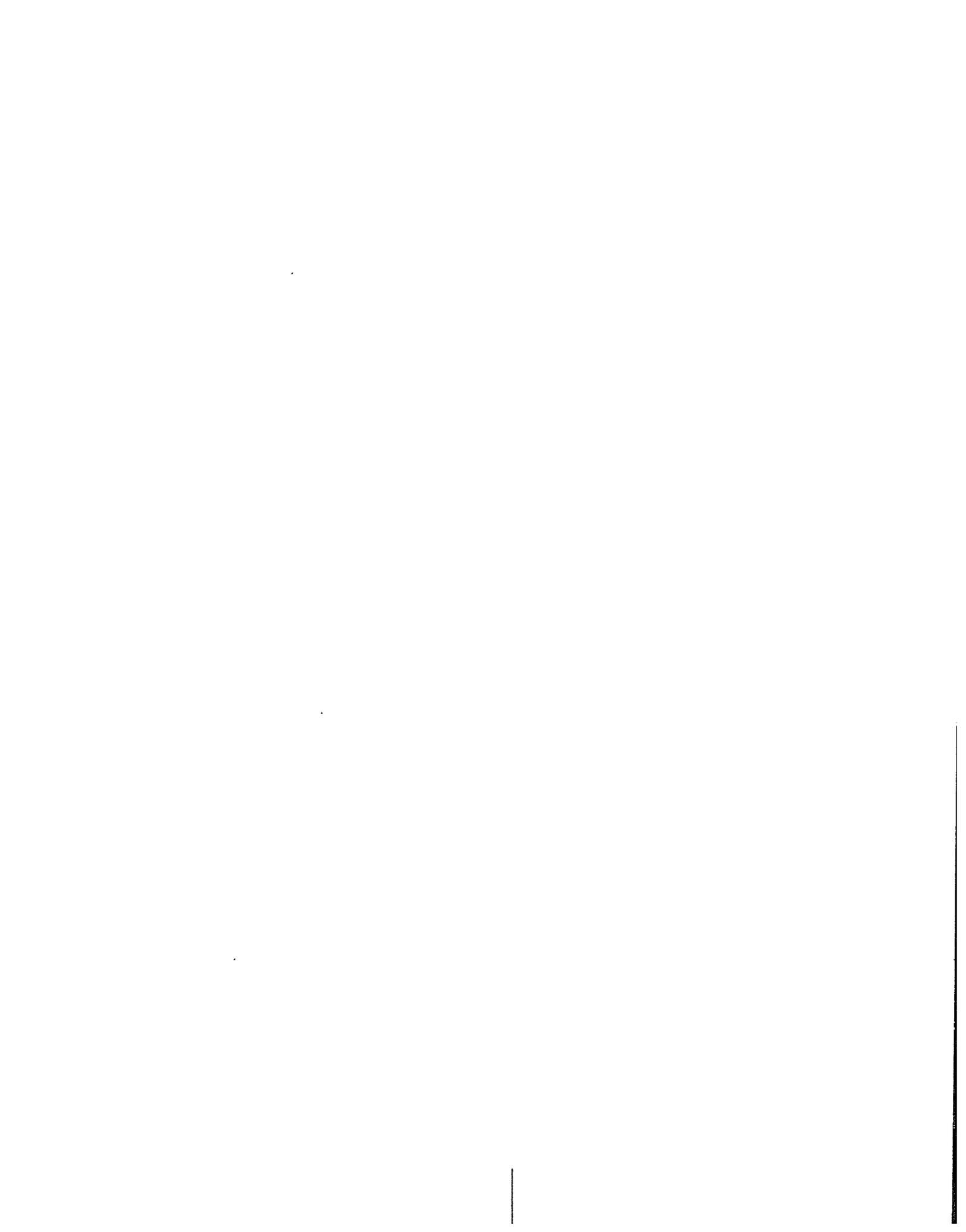
**SUBJECT:** Approval of Outside Employment

**FROM:** Elizabeth A. Shaw/s/  
Deputy Ethics Official

**TO:** FOIA EX. 6

This is in response to your request for approval of your outside position as an officer and broker for EX 6, Inc., a real estate firm. Under Federal ethics regulations at 5 C.F.R. 2635.803 and EPA supplemental regulations at 5 C.F.R. 6401.103, I approve your outside employment.

This decision is valid for five years. You must notify your Deputy Ethics Official if the status or circumstances of your employment, such as compensation, change. If you continue this position after five years, you must also request your Deputy Ethics Official's approval anew. As a reminder, you must abide by the restrictions described in 5 C.F.R. 2635, Subpart H.



JAN 07 2015

MEMORANDUM

SUBJECT: Request for Approval to Engage in Outside Employment

FROM: FOIA EXL

TO: Elizabeth A. Shaw  
Deputy Ethics Official

As required by EPA supplemental ethics regulations at 5 CFR 6401.103, I am submitting this request for your approval to engage in outside employment. In order for you to make your decision, I submit the information below.

Brief description of current EPA duties: Regulatory Impact Analyst for the Office of Air and Radiation. Serves as OAR Regulatory Steering Committee Representative and manages various aspects of the rule development process for the office.

Nature of the outside activity: Serve as an officer and licensed real estate broker.

Name of business or profession: FOIA EXEMPTION 6

Amount of compensation expected and basis of compensation (e.g., fee, per diem, per annum, etc): I do not expect to receive compensation for my duties now or in the near future. The basis for compensation will be per annum or as determined by the board of directors.

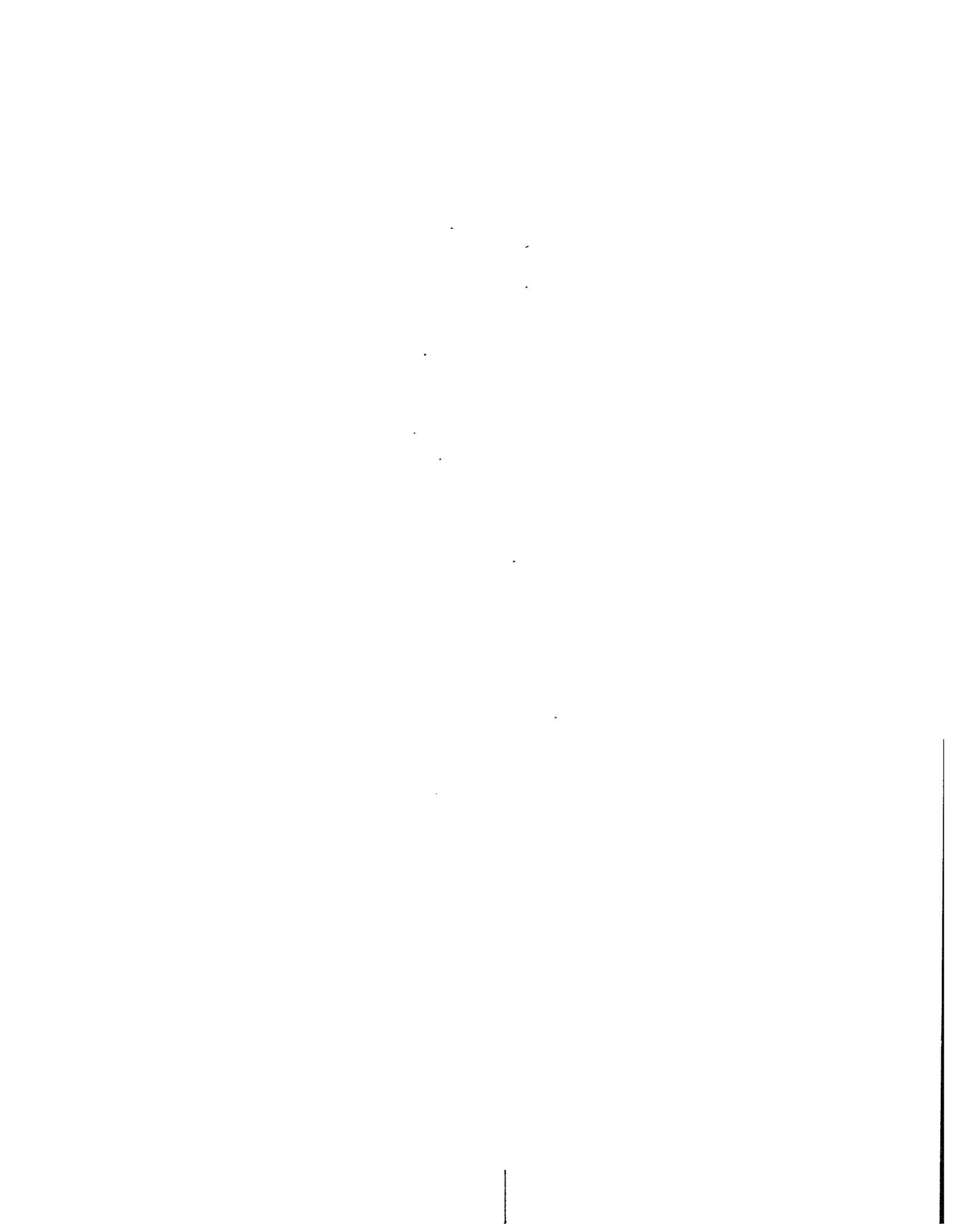
Estimated time devoted to this activity: The estimated time devoted will be from 1 to 10 hours per week.

Indicate whether the activity will be performed entirely outside of normal duty hours:  
Activities will be performed entirely outside of my normal duty hours.

I will use no official duty time, Government property, resources, or facilities not available to the general public to conduct this activity.

I have read and am familiar with and will abide by the restrictions described in 5CFR part 2635 and Section 6401.102.

Thank you for your consideration of this request.



## Monroe, Scott

---

**From:** I FOIA exemption  
**Sent:** Wednesday, September 09, 2015 11:48 AM  
**To:** Monroe, Scott  
**Subject:** RE: Shanika Whitehurst\_Outside Employment Request.docx

### MEMORANDUM

**SUBJECT:** Request for Approval to Engage in Outside Employment

**FROM:** FOIA exemption

**TO:** Elizabeth A. Shaw  
Deputy Ethics Official

As required by EPA supplemental ethics regulations at 5 CFR 6401.103, I am submitting this request for your approval to engage in outside employment. In order for you to make your decision, I submit the information below.

Brief description of current EPA duties: I am currently serving in the role of Environmental Justice Coordinator as an environmental protection specialist.

Nature of the outside activity: I have been and continue to be employed by the State of Virginia through Community College as an adjunct faculty member in the Mathematics, Science and Engineering Division. I currently teach BIO 101 and BIO 102 classes.

Name of business or profession: FOIA Ex. 6 ... Community College

Amount of compensation expected and basis of compensation (e.g., fee, per diem, per annum, etc): \$3,700/per class

Estimated time devoted to this activity: 8 hours/week

Indicate whether the activity will be performed entirely outside of normal duty hours: This activity will mainly be performed outside of normal duty hours with minimal disturbance to my work duties. There may be absences which equate to two duty days but no more.

I will use no official duty time, Government property, resources, or facilities not available to the general public to conduct this activity.

I have read and am familiar with and will abide by the restrictions described in 5CFR part 2635 and Section 6401.102.

Thank you for your consideration of this request.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

SEP 11 2015

OFFICE OF  
AIR AND RADIATION

**MEMORANDUM**

SUBJECT: Approval of Outside Employment  
FROM: Elizabeth A. Shaw *E. A. Shaw*  
Deputy Ethics Official  
TO: FOIA EXEMPTIONS

This is in response to your request of September 9, 2015, for approval of your outside position as adjunct faculty with FOIA EX Community College. Under Federal ethics regulations at 5 C.F.R. 2635.803 and EPA supplemental regulations at 5 C.F.R. 6401.103, I approve your outside employment.

My approval of your outside employment does not extend to any work related to EPA assistance agreements (such as grants), whether or not they are submitted to the Agency for consideration. In order to avoid the appearance of a conflict of interest, you may not participate in any activity related to EPA assistance agreements or occupy an outside position where the duties require such participation. 5 C.F.R. 2635.801(c).

This decision is valid for five years. If the nature and/or responsibilities of your outside position change, you must notify your Deputy Ethics Official. If you continue this position after five years, you must also request your Deputy Ethics Official's approval anew. As a reminder, you must abide by the restrictions described in 5 C.F.R. 2635, Subpart H.

cc: Tamara Saltman  
Jim Democker

**Monroe, Scott**

---

**From:** Shaw, Betsy  
**Sent:** Tuesday, May 27, 2014 6:36 PM  
**To:** FOIA ex 6  
**Subject:** RE: Request for Approval of Outside Employment

MEMORANDUM

**SUBJECT:** Approval of Outside Employment

**FROM:** Elizabeth A. Shaw  
Deputy Ethics Official

**TO:** FOIA exemption 6

This is in response to your request for approval of your outside position as a Thought Leader for the website FOIA ex 6. Under Federal ethics regulations at 5 C.F.R. 2635.803 and EPA supplemental regulations at 5 C.F.R. 6401.103, I approve your outside employment.

This decision is valid for five years. If the nature and/or responsibilities of your outside position change, you must notify your Deputy Ethics Official. If you continue this position after five years, you must also request your Deputy Ethics Official's approval anew. As a reminder, you must abide by the restrictions described in 5 C.F.R. 2635, Subpart H.

**From:** FOIA, EXEMPTION 6  
**Sent:** Monday, May 19, 2014 4:32 PM  
**To:** Shaw, Betsy  
**Subject:** Request for Approval of Outside Employment

MEMORANDUM

**SUBJECT:** Request for Approval of Outside Employment

**FROM:** FOIA ex 6

**TO:** Elizabeth A. Shaw  
Deputy Ethics Official

I am writing to request your approval to participate in outside employment. I am a Supervisory Management Analyst, GS-0343-15.

A business venture called FOIA ex 6 has invited me to contribute to its website as a "Thought Leader." This activity will not be compensated and will last for approximately 6 months. As a Thought Leader I will contribute to online discussion strings and responses to blogs, although I do not expect to write blogs myself. I would be one of a number of people helping FOIA ex 6 to test the efficacy of their website as an online clearinghouse and discussion center on topics related to diversity and inclusion. The website may be viewed at FOIA exemption 6

My activity with ~~EPA~~ ~~66~~ ats would be conducted entirely outside of duty hours. I will not use official time or property in connection with this outside employment. I have read and am familiar with the restrictions described in 5 CFR part 2635 and section 6401.102.

Because of the subject matter involved, and because I may want to make general references to my experience in the federal government, I do not plan to identify EPA as my employer in my biographical sketch. Rather, I prefer to identify myself as "an HR Director for a federal office."

Thank you for your consideration of this request. I've taken the liberty of drafting your response (attached).



Re: Request for approval of outside employment   
 Betsy Shaw to FOIA EXL  
 Cc: Scott Monroe, Jim DeMocker

01/16/2013 04:58 PM

MEMORANDUM

SUBJECT: Approval of Outside Employment  
 FROM: Elizabeth A. Shaw/s/  
 Deputy Ethics Official  
 TO: FOIA exemption

This is in response to your request for approval of your outside position as a self-employed counselor for individuals and couples. Under Federal ethics regulations at 5 C.F.R. 2635.803 and EPA supplemental regulations at 5 C.F.R. 6401.103, you are required to request permission to engage in outside employment when it involves, among other criteria, the practice of a profession, such as counseling, as defined in 5 C.F.R. 2636.305(b)(1). With this notice, I approve your outside employment.

This decision is valid for five years. If the nature and/or responsibilities of your outside employment change, you must notify your Deputy Ethics Official. If you continue this position after five years, you must request your Deputy Ethics Official's approval anew. As a reminder, you must abide by the restrictions in 5 C.F.R. 2635, Subpart H, and 5 C.F.R. 6401, concerning outside employment and prohibited financial interests. In particular, you may not use official duty time or federal property, facilities, or resources for your outside employment.

Finally, you are required to report outside positions held in your annual financial disclosure.

Thank you for your attention to these important ethics responsibilities.

FOIA EXEMPTION Betsy, Per your and Scott's info, I realized that I... 01/10/2013 11:02:04 AM

From: FOIA EXL DC/USEPA/US  
 To: Betsy Shaw/DC/USEPA/US@EPA  
 Cc: Scott Monroe/DC/USEPA/US@EPA  
 Date: 01/10/2013 11:02 AM  
 Subject: Request for approval of outside employment

Betsy,

Per your and Scott's info, I realized that I needed to submit this formal written request. Please let me know if you need any additional information.

thanks!  
 FOIA EXL



request for outside employment\_jan 2013.docx

\*\*\*\*\*

EPA Office of Air and Radiation  
 Office of Policy Analysis and Review  
 (202) 564-2781

10 January, 2013

TO: Betsy Shaw, Deputy Ethics Official  
Office of Air and Radiation

FROM: ~~For example~~ policy analyst GS 14  
Office of Policy Analysis and Review, Office of Air and Radiation

SUBJECT: Request for approval of outside employment

I am writing to formally request approval to begin practicing as a counselor in the DC area under my social work license. This work is wholly unrelated to my official duties at EPA. This work will not be carried out for another agency or organization but instead will be self-employment. I anticipate it will include providing short-term pre-marital and individual counseling for 5-10 individuals or couples each month. Clients will be referred by local pastoral care or social service providers and I will be compensated for the counseling work by charging each client a flat fee for each session. I expect my compensation to total less than ~~FOIA EX~~ dollars each month.

None of the people providing referrals receive any EPA assistance agreements or contracts that I am aware of. I do not intend to disclose my EPA affiliation to any clients, as it is wholly unrelated to the service I am providing. I do need to keep each client's information confidential, including the fact that they are receiving counseling. Therefore, I am not able to report the name of any client who, in the course of providing counseling, I realize is receiving assistance or holds a contract with EPA. I can, however, commit to terminating counseling at that point and referring to another provider if necessary.

I expect to spend 3-4 hours providing counseling with each client or couple over a period of several weeks or months. All of the counseling sessions will take place outside of normal duty hours (e.g. evenings and/or weekends). No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment. I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations).

Please let me know if you need any additional information or what additional steps I need to complete to receive approval for this activity.

cc: Scott Monroe



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

OFFICE OF  
RESEARCH AND DEVELOPMENT

**MEMORANDUM**

**DATE:** May 15, 2013

**SUBJECT:** Response to Request for Approval for Outside Activity Dated 7/24/12

**FROM:** Annette Gatchett  
Deputy Ethics Official  
NCEA, Cincinnati Division (A-110)

**TO:** ~~FOIA EXEMPTIONS~~  
Supervisory Toxicologist, CRAB  
NCEA, Cincinnati Division (A-110)

Based on my reading of this request and of 5 CFR part 2635 and §6401.102, I have determined that this outside activity is not expected to involve conduct prohibited by statute or regulation, including 5 CFR part 2635 and §6401.102. Therefore, your request for outside activity is APPROVED. This approval pertains to the requested actions starting September 1, 2013 through August 31, 2014.

If there is a change in the nature or scope of the duties performed or the nature of your business, you must submit a revised request for review approval.

  
Annette Gatchett  
Acting Director, NCEA, Cincinnati Division  
Deputy Ethics Official, NCEA Cincinnati

Date: 5-15-13



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

OFFICE OF  
RESEARCH AND DEVELOPMENT

MEMORANDUM

**DATE:** May 14, 2013  
**SUBJECT:** Request for Approval for Outside Employment  
**FROM:** FOIA EXEMPTION 6  
Supervisory Toxicologist, Grade 15  
**TO:** Annette Gatchett  
Acting Division Director and Deputy Ethics Official  
NCEA, Cincinnati Division

I am formally requesting permission to accept an opportunity to teach an online toxicology course for FOIA EX. 6 University. In the *Supplemental Standard of Ethical Conduct for Employees of the Environmental Protection Agency* it states: "The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor." This memorandum serves that purpose.

This activity includes course instruction of the online course titled Introduction to Chemical Toxicology which is part of the Department of Pharmacology and Toxicology's undergraduate and graduate programs and the veterinary and medical schools' curricula. The course will be offered in the Fall, Spring and Summer semesters and the amount of compensation is \$ FOIA EX. 6 per semester. The timeframe for this activity is from September 1, 2013 through August 31, 2014. I intend to devote approximately 10 hours per week to this activity and this service will be performed entirely outside of my normal duty hours. I also taught this course each year from 2008 through 2013 and received the appropriate approvals.

I will use no official duty time or Government property, resources or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.

FOIA EXEMPTION 6  
FOIA EXEMPTION 6

Date: 5/14/13



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

OFFICE OF  
RESEARCH AND DEVELOPMENT

**MEMORANDUM**

**DATE:** October 22, 2012

**SUBJECT:** Request for Approval for Outside Activity

**FROM:** ~~FOIA Exemption 6~~ Ph.D. *W. Michael*  
Acting Division Director  
NCEA, Cincinnati Division (A-110)

**TO:** Annette Gatchett  
Deputy Ethics Official  
NCEA

I am formally requesting permission to maintain my current position of Adjunct Associate Professor, with the University of ~~FOIA Ex. 6~~ Department of Geography. In the *Supplemental Standard of Ethical Conduct for Employees of the Environmental Protection Agency* it states: "The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor." This memorandum serves that purpose.

I will use no official duty time or Government property, resources or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

OFFICE OF  
RESEARCH AND DEVELOPMENT

MEMORANDUM

**SUBJECT:** Response to Request for Approval for Outside Employment

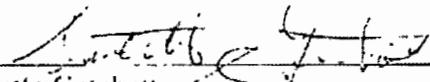
**FROM:** Annette Gatchett  
Deputy Ethics Official  
NCEA

**TO:** FOIA EX-6, Ph.D.  
Acting Division Director  
NCEA, Cincinnati Division (A-110)

Based on my reading of this request and of 5 CFR part 2635 and §6401.102, I have determined that this outside employment is not expected to involve conduct prohibited by statute or regulation, including 5 CFR part 2635 and §6401.102. Therefore, your request for outside employment is APPROVED. This approval pertains to the requested actions through August 2013.

If there is a change in the nature or scope of the duties performed or the nature of your business, you must submit a revised request for review approval.

Congratulations on your selection to this appointment.

  
\_\_\_\_\_  
Annette Gatchett  
Acting Division Director, NCEA-Cincinnati  
Deputy Ethics Official, NCEA-Cincinnati

Date: 10-22-12



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

OFFICE OF  
RESEARCH AND DEVELOPMENT

**MEMORANDUM**

**DATE:** August 14, 2012

**SUBJECT:** Request for Approval for Outside Employment

**FROM:** ~~FOIA EXEMPTION 6~~, Ph.D., DABT, F.A.T.S.  
Chemical Risk Assessment Branch  
NCEA, Cincinnati Division (A-110) *FOIA EX 6*

**THRU:** Belinda Hawkins, Ph.D., DABT, Chief  
Chemical Risk Assessment Branch  
NCEA, Cincinnati Division (A-110) *[Signature] 8/15/12*

**TO:** Michael Troyer  
Deputy Ethics Official  
NCEA, Cincinnati Division (A-110)

I am formally requesting permission to accept an opportunity to lecture on pharmacokinetics in a course on Developmental Toxicology. In the *Supplemental Standard of Ethical Conduct for Employees of the Environmental Protection Agency* it states: "The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor." This memorandum serves that purpose.

I plan to present three 40-minute lectures on the development and interpretation of pharmacokinetic information for developmental toxicants; dose-response evaluation for developmental toxicants; and route to route extrapolation. The two-day course will be given to ~~FOIA EXEMPTION 6~~ personnel in ~~FOIA EX 6~~, ~~EX 6~~ October 1-2, 2012. The course is contracted through ~~FOIA EXEMPTION 6~~ of ~~FOIA EXEMPTION 6~~. I anticipate devoting 4 hours to lecture development and three days' time to travel and present the lecture in ~~EX 6~~. These activities will be conducted completely out of normal duty hours. I will be paid \$~~FOIA EX 6~~ plus travel and lodging expenses for these services. I know of no agreements or contracts held by ~~FOIA EX 6~~ or ~~FOIA EX 6~~. No discussions or activities that might affect the policies or regulatory activities of the U. S. EPA or ~~FOIA EX 6~~ will be conducted.

I will use no official duty time or Government property, resources, or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and § 6401.102.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

OFFICE OF  
RESEARCH AND DEVELOPMENT

**MEMORANDUM**

**DATE:** August 15, 2012

**SUBJECT:** Response to Request for Approval for Outside Employment  
Dated 08/14/12

**FROM:** Michael Troyer  
Deputy Ethics Official  
NCEA, Cincinnati Division (A-110)

**TO:** ~~F. A. S. M. Ph.D.~~ F.A.S.M. Ph.D, DABT, F.A.T.S.  
Toxicologist, Chemical Risk Assessment Branch  
NCEA, Cincinnati Division (A-110)

Based on my reading of this request and of 5 CFR part 2635 and §6401.102, I have determined that this outside employment is not expected to involve conduct prohibited by statute or regulation, including 5 CFR part 2635 and §6401.102. Therefore, your request for outside employment is APPROVED. This approval pertains to the requested actions over the period from October 1-2, 2012.

If there is a change in the nature or scope of the duties performed or the nature of your business, you must submit a revised request for review approval.

Congratulations on your selection to this appointment.

Michael Troyer  
Acting Director, NCEA, Cincinnati Division  
Deputy Ethics Official, NCEA Cincinnati

Date: 8/16/2012



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

OFFICE OF  
RESEARCH AND DEVELOPMENT

**MEMORANDUM**

**DATE:** July 24, 2012

**SUBJECT:** Response to Request for Approval for Outside Activity Dated 7/24/12

**FROM:** Michael Troyer  
Deputy Ethics Official  
NCEA, Cincinnati Division (A-110)

**TO:** ~~FOIA EXEMPTION~~  
Supervisory Toxicologist, CRAB  
NCEA, Cincinnati Division (A-110)

Based on my reading of this request and of 5 CFR part 2635 and §6401.102, I have determined that this outside activity is not expected to involve conduct prohibited by statute or regulation, including 5 CFR part 2635 and §6401.102. Therefore, your request for outside activity is APPROVED. This approval pertains to the requested actions starting September 1, 2012 through August 31, 2013.

If there is a change in the nature or scope of the duties performed or the nature of your business, you must submit a revised request for review approval.

  
\_\_\_\_\_  
Michael Troyer  
Acting Director, NCEA, Cincinnati Division  
Deputy Ethics Official, NCEA Cincinnati

Date: 7/24/2012



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

OFFICE OF  
RESEARCH AND DEVELOPMENT

MEMORANDUM

**DATE:** July 24, 2012  
**FROM:** FOIA EXEMPTIONS, Supervisory Toxicologist, Grade 15  
**TO:** Michael Troyer  
Acting Division Director and Deputy Ethics Official  
NCEA, Cincinnati Division  
**SUBJECT:** Request for Approval for Outside Employment

I am formally requesting permission to accept an opportunity to teach an online toxicology course for ~~FOIA EX~~ University. In the *Supplemental Standard of Ethical Conduct for Employees of the Environmental Protection Agency* it states: "The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor." This memorandum serves that purpose.

This activity includes course instruction of the online course titled ~~FOIA EX~~ **Introduction to Chemical Toxicology** which is part of the Department of Pharmacology and Toxicology's undergraduate and graduate programs and the veterinary and medical schools' curricula. The course will be offered in the Fall, Spring and Summer semesters and the amount of compensation is \$ ~~EX~~ per semester. The timeframe for this activity is from September 1, 2012 through August 31, 2013. I intend to devote approximately 10 hours per week to this activity and this service will be performed entirely outside of my normal duty hours. I also taught this course in 2008, 2009, 2010, 2011 and 2012 and received the appropriate approvals.

I will use no official duty time or Government property, resources or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.

9 FOIA EXEMPTIONS  
FOIA EXEMPTIONS

Date: 7/24/12



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
AIR AND RADIATION

MAR 19 2012

MEMORANDUM

SUBJECT: Approval of Outside Employment

FROM: Elizabeth A. Shaw  
Acting Deputy Ethics Official

TO: FOIA EXG

This is in response to your request for approval of your outside position as President of FOIA EXG EXG, a consulting firm for IT logistics and management. Under Federal ethics regulations at 5 C.F.R. 2635.803 and EPA supplemental regulations at 5 C.F.R. 6401.103, I approve your outside employment.

This decision is valid for five years. If the nature and/or responsibilities of your outside position change, you must notify your Deputy Ethics Official. If you continue this position after five years, you must also request your Deputy Ethics Official's approval anew. As a reminder, you must abide by the restrictions described in 5 C.F.R. 2635, Subpart H.

Finally, you failed to request approval of your position prior to reporting it on your annual financial disclosure. Please remember for any future positions that approval by a Deputy Ethics Official is required.

**MEMORANDUM**

**SUBJECT:** Outside Employment

**FROM:** FOIA EXEMPTION Co  
Program Analyst Office of Program Management Operations  
**THRU** Scott Monroe,  
OAR Personel Chief

**TO:** Mike Flynn  
OAR Ethics Official

I am requesting approval for a position in my husband's company he retired last year and has now set up his how consulting business.

I would be the President of FOIA EXEMPTION Co incorporated and the treasurer.

My husband would be a consultant to commercial firms on Information Technology and logistics management. I do not perform any services.

The company has no clients at this time.

I expect to devote about 60 minutes a month to the job to do the checkbook each month.

All services will be performed on my time outside of normal duty hours.

No government property, resources or facilities or time will be used for company purposes.

There is no compensation for this position.

I have read and will abide by the restrictions described in 5 CFR part 2635 Subpart H on outside activities.

There are no assistance agreements or contracts involved.

Approved

\_\_\_\_\_  
Mike Flynn  
OAR Ethics Official



Re: your financial disclosure form  
FOIA EXG to Scott Monroe

03/09/2012 08:19 AM

FOIA EXEMPTION C  
PM Team Leader  
Phone 202-56Mail  
Code 6102A

Here is my request. It is a new venture for my husband.



outside employment memo.doc

Scott Monroe

Hi **EXG**, You reported for 2011 as an outside ac...

03/08/2012 10:28:36 AM

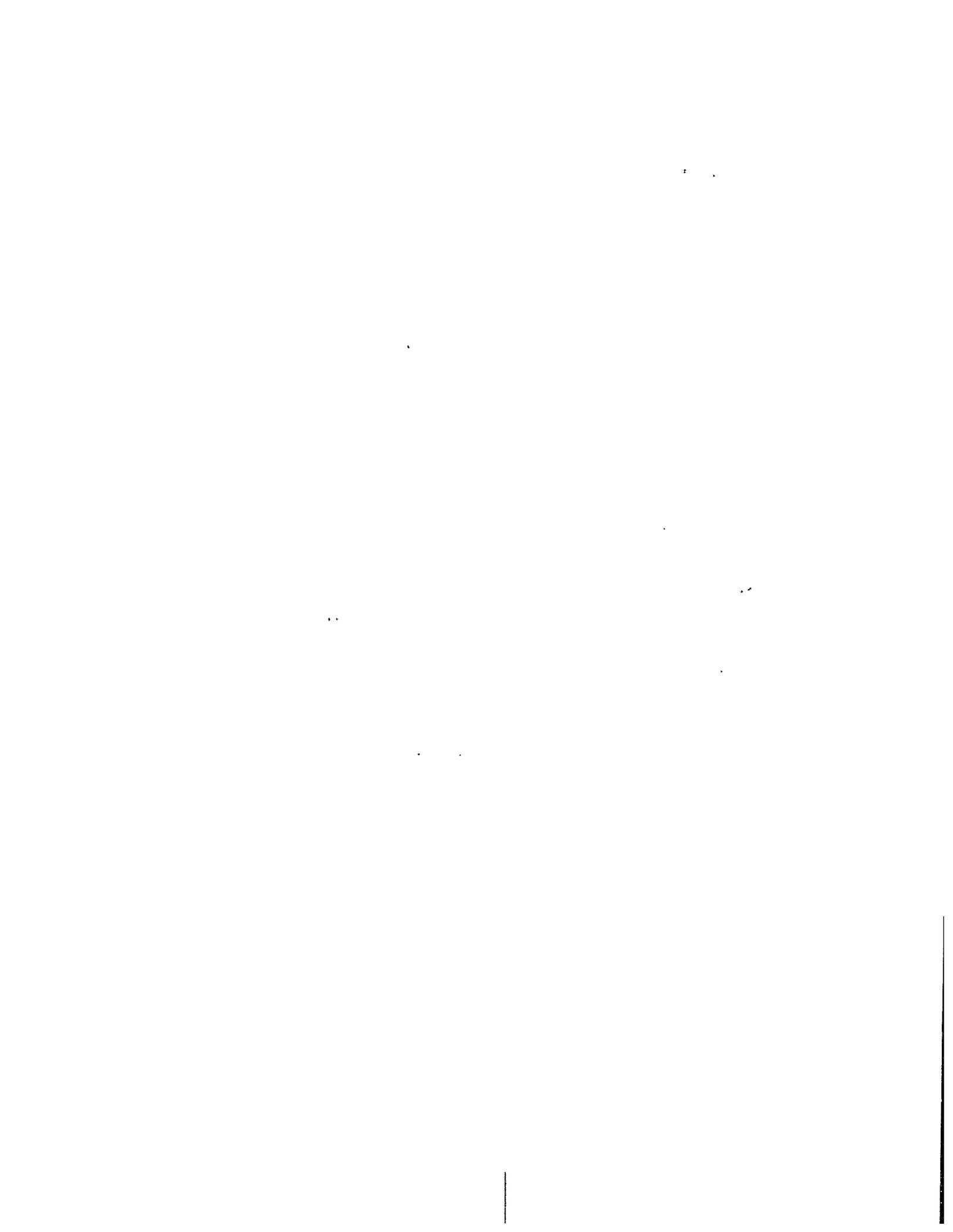
From: Scott Monroe/DC/USEPA/US  
To: **FOIA EXG** /DC/USEPA/US@EPA  
Date: 03/08/2012 10:28 AM  
Subject: your financial disclosure form

Hi **FOIA EXG**

You reported for 2011 as an outside activity "President, **FOIA EXEMPTION C**" Because you did not report this activity in 2010 I assume it is new Did you report this outside activity to Jim Jones and receive his approval? If not, please prepare a memo to Mike following the guidance attached below. If you can get it to me today, I may be able to wrap it up with him by tomorrow. If not, Betsy will have to deal with it.

Thanks,  
Scott

[attachment "Ethics tips~outside activity.pdf" deleted by **FOIA EXG** /DC/USEPA/US]





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

NOV 9 2009

OFFICE OF  
AIR AND RADIATION

MEMORANDUM

SUBJECT: Approval of Outside Employment  
FROM: Elizabeth Craig  
Deputy Ethics Official  
TO: FOIA EXEMPTION 6  
Principal Deputy Assistant Administrator

With regard to your November 6, 2009, request for approval of outside employment with FOIA EXEMPTION 6 University Medical School (attached), I have determined that this employment is not expected to involve conduct prohibited by statute or Federal regulation. Therefore, I approve your request in accordance with 5 CFR part 2635 and § 6401.102.

This approval is valid for a period not to exceed December 31, 2009. If there is a change in the nature or scope of your employment with FOIA EXEMPTION 6 University, you must submit to me a revised request for approval.

Attachment

Cc: Justina Fugh, OGC  
Gina McCarthy

NOV 6 2009

MEMORANDUM

SUBJECT: Request for Approval of Outside Employment

FROM: FOIA EXEMPTION 6  
OAR Principal Deputy Assistant Administrator

THRU: Gina McCarthy  
OAR Assistant Administrator

TO: Elizabeth Craig  
OAR Deputy Ethics Official

I request your approval for my outside employment as an adjunct faculty member of the FOIA EX 6 University Medical School, Department of Public Health. As of November 9, 2009, my non-career SES position is Principal Deputy Assistant Administrator of the Office of Air and Radiation, ES-0340-00.

FOIA EX 6 University is employing me as an Adjunct Professor to teach a course entitled, "Environmental Health" during Fall semester 2009. This position requires me to prepare lecture notes, conduct classes, and prepare and grade student tests and homework, compositions, and oral presentations. The class provides an overview of environmental health topics to mostly first year graduate students seeking a Masters in Public Health, including topics related to air pollution, water pollution, land and waste issues, indoor environmental hazards, environmental justice, occupational health and safety topics, and climate change.

I have four (4) class dates remaining to teach: November 16 and 30, and December 7 and 14. The class meets during from 6:00 to 8:40 PM in FOIA EX 6. I estimate the total amount of time to be devoted to this activity to be 25 hours. My work related to the course will be performed entirely outside of normal duty hours, and no official duty time or Government property, resources, or facilities will be used in connection with my activity. I am working with our HR staff to make the appropriate arrangements for my EPA work schedule. I estimate that the amount of compensation for the four remaining classes, based on my total compensation for the semester, is \$ 250 for each class.

I have read, and familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations). I am not aware of any EPA assistance agreements or contracts held by FOIA EX 6 University.

cc: Justina Fugh, OGC



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

OFFICE OF  
RESEARCH AND DEVELOPMENT

**MEMORANDUM**

**DATE:** December 4, 2006

**SUBJECT:** Response to Request for Approval for Outside Employment Dated  
November 30, 2006

**FROM:** Andrew J.R. Gillespie  
Deputy Ethics Official  
NCEA, Cincinnati Division

**THRU:** Michel Stevens  
Deputy Director  
NCEA, Cincinnati Division

**TO:** POINT EXEMPTION 6  
Toxicologist  
NCEA, Cincinnati Division

Based on my reading of this request and of 5 CFR part 2635 and §6401.102, I have determined that this outside employment is not expected to involve conduct prohibited by statute or regulation, including 5 CFR part 2635 and §6401.102. Therefore, your request for outside employment is APPROVED. This approval pertains to the requested actions over the period from January 1, 2007 to December 15, 2007.

If there is a change in the nature or scope of the duties performed or the nature of your business, you must submit a revised request for review approval.

Congratulations on your selection to this appointment.

  
\_\_\_\_\_  
Andrew J.R. Gillespie, Ph.D.  
Director, NCEA, Cincinnati Division  
Deputy Ethics Official, NCEA Cincinnati

Date: 12/4/06

**MEMORANDUM**

**DATE:** November 30, 2006

**SUBJECT:** Request for Approval for Outside Employment

**FROM:** FOIA exemption 6 Toxicologist, Grade 13

**THRU:** Michel Stevens  
Deputy Director  
NCEA, Cincinnati Division



**TO:** Andrew J.R. Gillespie  
Deputy Ethics Official  
NCEA, Cincinnati Division

I am formally requesting permission to accept an opportunity to develop an online toxicology course for the Professional Masters of Science in Integrative Pharmacology and Toxicology degree program at FOIA EX 6 University. In the *Supplemental Standard of Ethical Conduct for Employees of the Environmental Protection Agency* it states: "The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor." This memorandum serves that purpose.

This activity includes the development of approximately 8 independent subject modules in the broad area of toxicology for the online course titled PHM 450: Introduction to Chemical Toxicology which is part of a new degree program within the Department of Pharmacology and Toxicology at FOIA exemption 6 University. The Master of Science degree in Integrative Pharmacology is primarily an online program designed to train individuals in whole animal and organ systems-level pharmacology as well as to develop skills in business acumen. The program provides advanced science knowledge and practical skills in integrative pharmacology and is designed for individuals who seek career advancement and leadership roles in academic, government or industrial laboratories. This activity involves only the development of the course and does NOT include teaching of the course. Additionally, this course (and degree program) is in development and is currently not part of a regular curriculum. The amount of compensation is expected to be approximately \$ EX 6 paid upon completion of development of the course. The timeframe for this activity is from January 1, 2007 through December 15, 2007. I intend to devote approximately 5-10 hours per week to this activity and this service will be performed entirely outside of my normal duty hours.

General expertise, not EPA-specific  
AG

\*  
not teaching - hence no letter required

AG

I will use no official duty time or Government property, resources or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.

FOIA EXEMPTION 6

FOIA EXEMPTION 6

Date:

11/30/09

1000

1000

1000

1000



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

OFFICE OF  
RESEARCH AND DEVELOPMENT

**MEMORANDUM**

**DATE:** October 30, 2007

**SUBJECT:** Response to Request for Approval for Outside Employment  
Dated October 25, 2007

**FROM:** Andrew J.R. Gillespie  
Deputy Ethics Official  
NCEA, Cincinnati Division

**THRU:** Michel Stevens  
Deputy Director  
NCEA, Cincinnati Division

**TO:** FOIA EXEMPTIONS  
Acting Branch Chief, CRAB  
NCEA, Cincinnati Division

Based on my reading of this request and of 5 CFR part 2635 and §6401.102, I have determined that this outside employment is not expected to involve conduct prohibited by statute or regulation, including 5 CFR part 2635 and §6401.102. Therefore, your request for outside employment is APPROVED. This approval pertains to the requested actions over the period from January 1, 2008 to December 15, 2008.

If there is a change in the nature or scope of the duties performed or the nature of your business, you must submit a revised request for review approval.

Congratulations on your selection to this appointment.

  
\_\_\_\_\_  
Andrew J.R. Gillespie, Ph.D.  
Director, NCEA, Cincinnati Division  
Deputy Ethics Official, NCEA Cincinnati

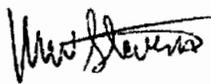
Date: 11/5/07

**MEMORANDUM**

**DATE:** October 25, 2007

**SUBJECT:** Request for Approval for Outside Employment

**FROM:** FOIA EXEMPTION 6 Toxicologist, Grade 13 14

**THRU:** Michel Stevens  
Deputy Director  
NCEA, Cincinnati Division 

**TO:** Andrew J.R. Gillespie  
Deputy Ethics Official  
NCEA, Cincinnati Division

I am formally requesting permission to accept an opportunity to teach an online toxicology course for FOIA EX 6 University. In the *Supplemental Standard of Ethical Conduct for Employees of the Environmental Protection Agency* it states: "The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor." This memorandum serves that purpose.

This activity includes course instruction of the online course titled EX 6 or: **Introduction to Chemical Toxicology** which is part of the Department of Pharmacology and Toxicology's undergraduate and graduate programs and the veterinary and medical schools' curricula. The course may be offered up to 3 times per calendar year. The amount of compensation is expected to be approximately \$ EX 6 per semester paid upon completion of the course. The timeframe for this activity is from January 1, 2008 through December 15, 2008. I intend to devote approximately 5-10 hours per week to this activity and this service will be performed entirely outside of my normal duty hours.

I will use no official duty time or Government property, resources or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.

FOIA EXEMPTION 6  
FOIA EXEMPTION 6

Date: 10/25/07



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

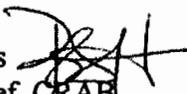
April 28, 2008

OFFICE OF  
RESEARCH AND DEVELOPMENT

**MEMORANDUM**

**SUBJECT:** Response to Request for Approval for Outside Employment  
Dated April 24, 2008

**FROM:** Andrew J.R. Gillespie  
Deputy Ethics Official  
NCEA, Cincinnati Division

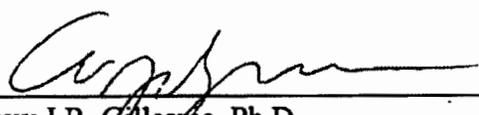
**THRU:** Belinda S. Hawkins   
Acting Branch Chief, CRAB  
NCEA, Cincinnati Division

**TO:** FOIA Exemptions  
Toxicologist, CRAB  
NCEA, Cincinnati Division

Based on my reading of this request and of 5 CFR part 2635 and §6401.102, I have determined that this outside employment is not expected to involve conduct prohibited by statute or regulation, including 5 CFR part 2635 and §6401.102. Therefore, your request for outside employment is APPROVED. This approval pertains to the requested actions over the period from July 31, 2008 to October 31, 2008.

If there is a change in the nature or scope of the duties performed or the nature of your business, you must submit a revised request for review approval.

Congratulations on your selection to this appointment.

  
\_\_\_\_\_  
Andrew J.R. Gillespie, Ph.D.  
Director, NCEA, Cincinnati Division  
Deputy Ethics Official, NCEA Cincinnati

Date: 5/8/08

**MEMORANDUM**

**DATE:** April 24, 2008

**SUBJECT:** Request for Approval for Outside Employment

**FROM:** ~~FOIA EXEMPTION 6~~, Toxicologist, GS-0415/15

**THRU:** Belinda Hawkins  4/28/08  
Acting Chief  
Chemical Risk Assessment Branch  
NCEA, Cincinnati Division

**TO:** Andrew J.R. Gillespie  
Deputy Ethics Official  
NCEA, Cincinnati Division

I am formally requesting permission to accept an opportunity to lecture on pharmacokinetics in a course on Developmental Toxicology. In the *Supplemental Standard of Ethical Conduct for Employees of the Environmental Protection Agency* it states: "The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor." This memorandum serves that purpose.

I plan to develop and present a 40-minute lecture on the development and interpretation of pharmacokinetic information in the context of a course on developmental toxicology. The two-day course will be given twice in the same week to ~~FOIA EX 6~~ personnel in ~~FOIA EX 6~~ at a time to be determined between July 30 and October 32, 2008. The course is contracted through ~~FOIA EX 6~~ and Associates of ~~FOIA EXEMPTION 6~~. I anticipate devoting 8 hours to lecture development and three days' time to travel and present the lecture in Ottawa. These activities will be conducted completely out of normal duty hours. I will be paid \$ for these services, and will be responsible for my own travel, and all other support (lodging, meals, etc) during the presentation. I know of no agreements or contracts held by ~~FOIA EX 6~~ Associates or ~~FOIA EX 6~~.

I will use no official duty time or Government property, resources, or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and § 6401.102.

  
\_\_\_\_\_  
John C. Lipscomb

Date: 4-24-08



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

September 9, 2008

OFFICE OF  
RESEARCH AND DEVELOPMENT

**MEMORANDUM**

**SUBJECT:** Response to Request for Approval for Outside Employment Dated  
September 8, 2008

**FROM:** Annette M. Gatchett  
Deputy Ethics Official  
NCEA, Cincinnati Division

**THRU:** Michel W. Stevens  
Deputy Director  
NCEA, Cincinnati Division

**TO:** FOIA EXEMPTION  
Chief, Biological Risk Assessment Branch  
NCEA, Cincinnati Division

Based on my reading of this request and of 5 CFR part 2635 and § 6401.102, I have determined that this outside employment is not expected to involve conduct prohibited by statute or regulation, including 5 CFR part 2635 and § 6401.102. Therefore your request for outside employment is APPROVED. This approval pertains to the requested actions over the period from September 17, 2008 to September 3, 2009.

If there is a change in the nature or scope of the duties performed or the nature of your business, you must submit a revised request for review approval.

Congratulations on your selection to this appointment.

Annette M. Gatchett  
Acting Director, NCEA, Cincinnati Division  
Deputy Ethics Official, NCEA-Cincinnati

Date: 9/11/08



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

September 8, 2008

OFFICE OF  
RESEARCH AND DEVELOPMENT

**MEMORANDUM**

**SUBJECT:** Request for Approval for Outside Employment

**FROM:** FOIA EXEMPTION  
Physical Scientist, GS-15<sup>th</sup> FOIA EXC 6

**THRU:** Michel W. Stevens  
Deputy Director  
NCEA, Cincinnati Division (A110)

**TO:** Annette M. Gatchett  
Deputy Ethics Official  
NCEA, Cincinnati Division

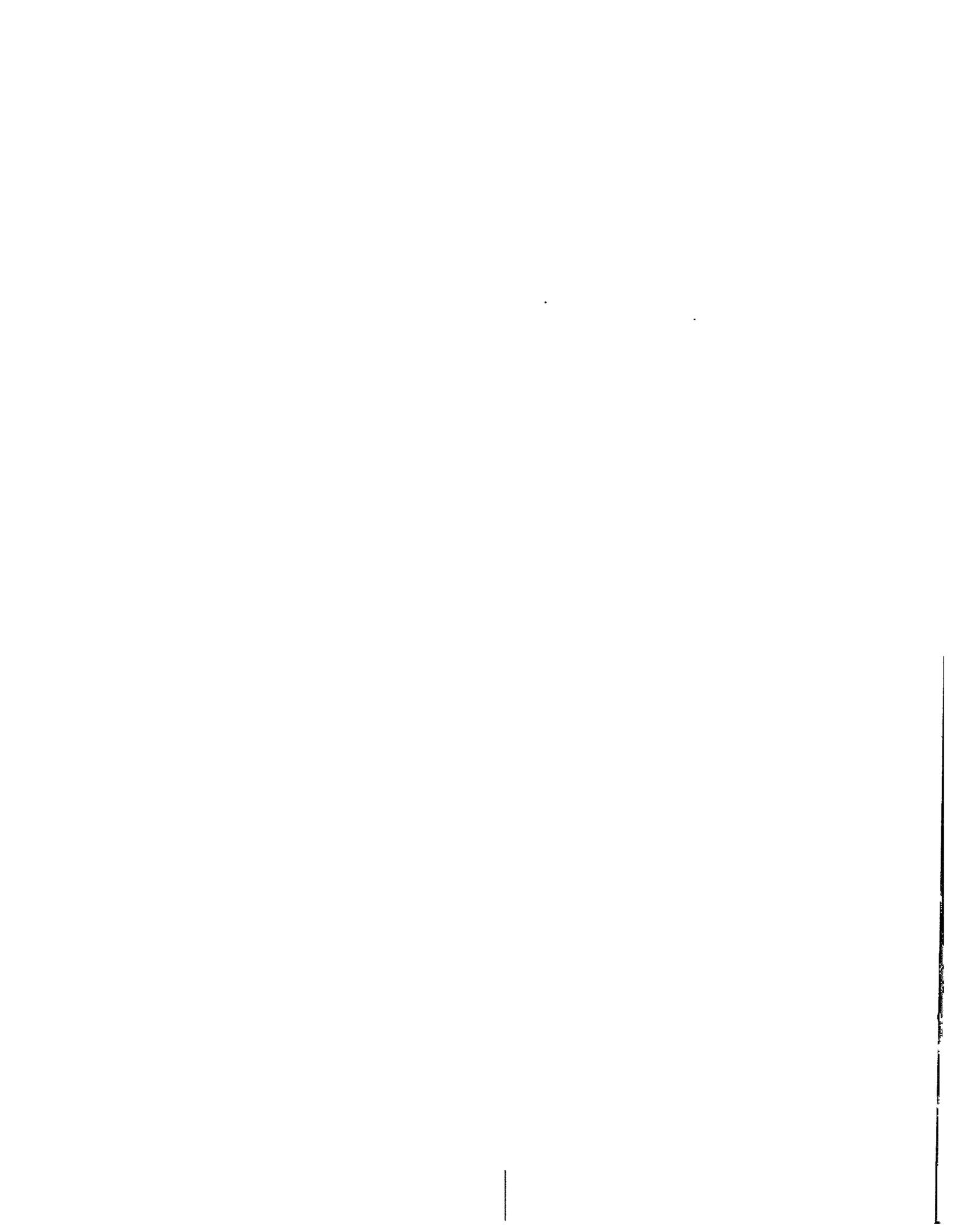
I am formally requesting permission to maintain my current position of Adjunct Assistant Professor with the University of FOIA EXC 6, Department of Geography EXC 6. In the *Supplemental Standard of Ethical Conduct for Employees of the Environmental Protection Agency* it states: "The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor." This memorandum serves that purpose.

My present commitment includes teaching no more than one course per quarter throughout the academic year during daytime hours over the Fall, Winter and Spring Quarters, and two Summer Sessions. During each Quarter, this involves a 50-minute lecture, three times a week (MWF) for nine weeks at FOIA EXC 6 Campus directly across the street from U.S. EPA's AWBERC campus. The Summer Sessions are taught weekdays (MTWThF) for an hour-and-a-half over three weeks at the same location. Compensation is less than \$ EXC 6 per course with paychecks issued on a monthly basis. Example course assignments for any given academic year may include:

- *People and the Environment* I, II, and III (FOIA EXC 6 51, 262 and 263),
- *Physical Geography* (FOIA EXC 6 102 and 112),
- *World Regional Geography* (FOIA EXC 6 124), or
- *Environmental Geography* (FOIA EXC 6 103).

All of the above courses are part of the regular curriculum at ~~ESU~~ please see <http://www.geography.tdip.edu> No EPA assistance agreements or contracts are involved in my association with the University.

I will use no official duty time or Government property, resources, or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and § 6401.102.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

May 6, 2008

OFFICE OF  
RESEARCH AND DEVELOPMENT

**MEMORANDUM**

**SUBJECT:** Response to Request for Approval for Outside Employment Dated May 5, 2008

**FROM:** Andrew J.R. Gillespie  
Deputy Ethics Official  
NCEA, Cincinnati Division

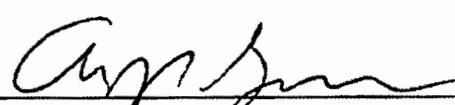
**THRU:** Belinda S. Hawkins   
Acting Branch Chief, CRAB  
NCEA, Cincinnati Division

**TO:** FOIA EXEMPTION 6  
Toxicologist, CRAB  
NCEA, Cincinnati Division

Based on my reading of this request and of 5 CFR part 2635 and § 6401.102, I have determined that this outside employment is not expected to involve conduct prohibited by statute or regulation, including 5 CFR part 2635 and § 6401.102. Therefore your request for outside employment is APPROVED. This approval pertains to the requested actions over the period from May 2008 to September 2008.

If there is a change in the nature or scope of the duties performed or the nature of your business, you must submit a revised request for review approval.

Congratulations on your selection to this appointment.

  
\_\_\_\_\_  
Andrew J.R. Gillespie, Ph.D.  
Director, NCEA, Cincinnati Division  
Deputy Ethics Official, NCEA Cincinnati

Date: 5/8/08

**MEMORANDUM**

**DATE:** May 5, 2008

**SUBJECT:** Request for Approval for Outside Employment

**FROM:** FOIA EXEMPTION 6, Toxicologist (GS 0415/15)

**THRU:** Belinda Hawkins   
Acting Chief  
Chemical Risk Assessment Branch  
NCEA, Cincinnati Division

**TO:** Andrew J.R. Gillespie  
Deputy Ethics Official  
NCEA, Cincinnati Division

I am formally requesting permission to accept an opportunity to teach the Ecology and Environmental Toxicology Course (FOIA EX 6) taught at the University of FOIA EX 6. In the *Supplemental Standard of Ethical Conduct for Employees of the Environmental Protection Agency* it states: "The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor." This memorandum serves that purpose.

If given approval, I will be refreshing materials for a web based, junior level month-long course. The module must be taught starting at the end of June and a brief final project will be submitted by students at the end of the summer. Compensation will be \$66 for 'refreshing' the existing course and \$66 for teaching in Summer 2008.

This effort will require 20 hours to update the course and up to 4 hours each week the course is taught (2 hours tutorial/office hours, remaining hours are for grading and "open door" office hours in the evening). If I am required to meet additionally during office hours for strategy meetings at the University of FOIA EX 6 I will make up this time to EPA or use leave time as allowed.

If approved, the University of FOIA EX 6 will appoint me as an Adjunct Associate Professor in the Analytical and Diagnostic Sciences Department for the Clinical Laboratory Science Program and provide an e-mail account. I will use no official duty time or Government property, resources, or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and § 6401.102. I have not EPA assistance agreements with UC.

FOIA EX 6

Date: May 5, 2008



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

May 9, 2008

OFFICE OF  
RESEARCH AND DEVELOPMENT

**MEMORANDUM**

**SUBJECT:** Response to Request for Approval for Outside Employment  
Dated April 24, 2008

**FROM:** Andrew J.R. Gillespie  
Deputy Ethics Official  
NCEA, Cincinnati Division

**THRU:** Belinda S. Hawkins  
Acting Branch Chief, CRAB  
NCEA, Cincinnati Division

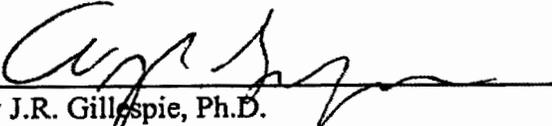
**TO:** FOIA EXEMPTION 6  
Toxicologist, CRAB  
NCEA, Cincinnati Division

Based on my reading of this request and of 5 CFR part 2635 and §6401.102, I have determined that this outside employment is not expected to involve conduct prohibited by statute or regulation, including 5 CFR part 2635 and §6401.102. Therefore, your request for outside employment is APPROVED. This approval pertains to the requested actions over the period from May 12, 2008 through May 11, 2009.

As discussed, you will not be representing EPA in this activity, and as such should not be identified as an EPA employee in any FOIA forum postings.

If there is a change in the nature or scope of the duties performed or the nature of your business, you must submit a revised request for review approval.

Congratulations on your selection to this appointment.

  
Andrew J.R. Gillespie, Ph.D.  
Director, NCEA, Cincinnati Division  
Deputy Ethics Official, NCEA Cincinnati

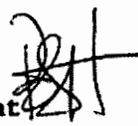
Date: 5/23/08

Subject: Moderator of on-line forum on Pharmacokinetics and Metabolism

From: FOIA EXEMPTION 6 PhD, DABT  
National Center for Environmental Assessment

To: Andrew J. R. Gillespie  
Deputy Ethics Official, NCEA-Cincinnati

Through: Belinda S. Hawkins, Acting Chief, CRAB  
National Center for Environmental Assessment



I am formally requesting permission to accept an opportunity to serve as a moderator of an on-line forum on issues related to pharmacokinetics and metabolism. The forum will be hosted by [redacted], a joint endeavor involving the FOIA EXEMPTION 6 and FOIA EXEMPTION 6. In the *Supplemental Standard of Ethical Conduct for Employees of the Environmental Protection Agency*, it states: "The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor." This memorandum serves that purpose.

If given approval, I will be soliciting and responding to electronic discussions of methods that can provide reliable scientific information on pharmacokinetics and metabolism while reducing the demand for whole-animal testing. I anticipate that this activity will consume 90 minutes of my personal time per week. If it requires that I spend time during the duty day, I will make up this time after hours or use leave time as allowed. This is a non-compensated activity.

If approved, EX 6 will provide me moderator privileges to the site. I will use no official duty time or Government property, resources, or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and § 6401.102. To my knowledge, there are no contacts or assistance agreements between EPA and the FOIA EX 6 of the U.S. or with FOIA EX 6 e.

FOIA EXEMPTION 6

Date: 3-12-08

Toxicologist, GS-0415-15



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

May 14, 2008

OFFICE OF  
RESEARCH AND DEVELOPMENT

**MEMORANDUM**

**SUBJECT:** Response to Request for Approval for Outside Employment Dated May 8, 2008

**FROM:** Andrew J.R. Gillespie  
Deputy Ethics Official  
NCEA, Cincinnati Division

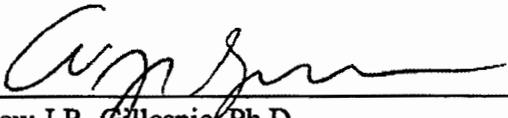
**THRU:** Belinda S. Hawkins   
Acting Branch Chief, Chemical Risk Assessment Branch  
NCEA, Cincinnati Division

**TO:** FOIA EXEMPTIONS  
Environmental Health Scientist  
Biological Risk Assessment Branch  
NCEA, Cincinnati Division

Based on my reading of this request and of 5 CFR part 2635 and § 6401.102, I have determined that this outside employment is not expected to involve conduct prohibited by statute or regulation, including 5 CFR part 2635 and § 6401.102. Therefore your request for outside employment is APPROVED. This approval pertains to the requested actions over the period from June 2008 to August 2008.

If there is a change in the nature or scope of the duties performed or the nature of your business, you must submit a revised request for review approval.

Congratulations on your selection to this appointment.

  
\_\_\_\_\_  
Andrew J.R. Gillespie, Ph.D.  
Director, NCEA, Cincinnati Division  
Deputy Ethics Official, NCEA Cincinnati

Date: 5/23/08

**MEMORANDUM**

**DATE:** Thursday, May 08, 2008

**SUBJECT:** Request for Approval for Outside Employment

**FROM:** FOIA EX 6, Environmental Health Scientist, GS14

**THRU:** Belinda Hawkins, Ph.D.   
Chief, Chemical Risk Assessment Branch  
NCEA, Cincinnati Division

**TO:** Andrew J.R. Gillespie  
Deputy Ethics Official  
NCEA, Cincinnati Division

I am formally requesting permission to accept an opportunity to teach the Ecology and Environmental Toxicology Course (FOIA EXEMPTION 6) taught at the University of FOIA EX 6. In the *Supplemental Standard of Ethical Conduct for Employees of the Environmental Protection Agency* it states: "The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor." This memorandum serves that purpose.

If given approval, I will be refreshing a materials for a web based, junior level month-long course. The module must be taught starting at the end of June and a brief final project will be submitted by students at the end of the summer. Compensation will be \$ EX 6 for 'refreshing' the existing course and \$ EX 6 for teaching in Summer 2008.

This effort will require 20 hours to update the course and up to 12 hours each week the course is taught (2 hours tutorial/office hours, remaining hours are for grading and "open door" office hours in the evening). If I am required to meet additionally during office hours for strategy meetings at the University of FOIA EX 6 I will make up this time to EPA or use leave time as allowed.

If approved, the University of FOIA EX 6 will appoint me as an Adjunct Associate Professor in the Analytical and Diagnostic Sciences Department for the Clinical Laboratory Science Program and provide an e-mail account. I will use no official duty time or Government property, resources, or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and § 6401.102. I have not EPA assistance agreements with FOIA EX 6

FOIA EXEMPTION 6  
FOIA EX. 6

Date: May 20, 2008



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

December 22, 2008

OFFICE OF  
RESEARCH AND DEVELOPMENT

**MEMORANDUM**

**SUBJECT:** Response to Request for Approval for Outside Employment Dated  
December 17, 2008

**FROM:** Annette M. Gatchett  
Deputy Ethics Official  
NCEA, Cincinnati Division (A-110)

**TO:** FOIA EXEMPTIONS  
Supervisory Toxicologist  
Chemical Risk Assessment Branch (A-110)

Based on my reading of this request and of 5 CFR part 2635 and paragraph 6401.012, I have determined that this outside employment is not expected to involve conduct prohibited by statute or regulation, including 5 CFR part 2635 and paragraph 6401.102. Therefore, your request for outside employment is APPROVED. This approval pertains to the requested actions over the period from January 1 through August 31, 2009.

If there is a change in the nature or scope of the duties performed of the nature of your business, you must submit a revised request for review approval.

Congratulations on your selection to this appointment.

  
Annette M. Gatchett  
Director, NCEA, Cincinnati Division  
Deputy Ethics Official, NCEA Cincinnati

Date: 12/17/08



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

December 17, 2008

OFFICE OF  
RESEARCH AND DEVELOPMENT

MEMORANDUM

**SUBJECT:** Request for Approval for Outside Employment

**FROM:** ~~FOIA EXEMPTIONS~~  
Supervisory Toxicologist, GS-15  
Chemical Risk Assessment Branch (A-110)

**TO:** Annette M. Gatchett  
Deputy Ethics Official  
NCEA, Cincinnati Division (A-110)

I am formally requesting permission to accept an opportunity to teach an online toxicology course for ~~FOIA EX 6~~ University. In the *Supplemental Standard of Ethical Conduct for Employees of the Environmental Protection Agency* it states: "The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor." This memorandum serves that purpose.

This activity includes course instruction of the online course titled ~~FOIA EX 6~~: **Introduction to Chemical Toxicology** which is part of the Department of Pharmacology and Toxicology's undergraduate and graduate programs and the veterinary and medical schools' curricula. The course will be offered in the Spring and Summer Semesters and the amount of compensation is \$ ~~EX 6~~ per semester. The timeframe for this activity is from January 1, 2009 through August 31, 2009. I intend to devote approximately 10 hours per week to this activity and this service will be performed entirely outside of my normal duty hours. I also taught this course in 2008.

I will use no official duty time or Government property, resources or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.

~~FOIA EXEMPTIONS~~  
~~FOIA EX 6~~

Date: 12/17/08



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

April 28, 2009

OFFICE OF  
RESEARCH AND DEVELOPMENT

**MEMORANDUM**

**SUBJECT:** Response to Request for Approval for Outside Employment  
Dated April 24, 2009

**FROM:** Annette M. Gatchett, Deputy Ethics Official  
NCEA-Cincinnati Division (A110)

**THRU:** Belinda S. Hawkins, Chief  
Chemical Risk Assessment Branch (A110)

**TO:** ~~FAA EXEMPTION~~ Toxicologist  
Chemical Risk Assessment Branch (A110)

Based on my reading of this request and of 5 CFR part 2635 and § 6401.102, I have determined that this outside employment is not expected to involve conduct prohibited by statute or regulation, including 5 CFR part 2635 and § 6401.102. Therefore your request for outside employment is APPROVED. This approval pertains to the requested actions over the period from September 1, 2009, to September 30, 2009.

If there is a change in the nature or scope of the duties performed or the nature of your business, you must submit a revised request for review approval.

Congratulations on your selection to this appointment.

Annette M. Gatchett, Acting Division Director  
Deputy Ethics Official, NCEA-Cincinnati

Date: 4-28-09



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

April 24, 2009

OFFICE OF  
RESEARCH AND DEVELOPMENT

MEMORANDUM

**SUBJECT:** Request for Approval for Outside Employment

**FROM:** FOIA EX 6, Toxicologist, GS-0415-17  
Chemical Risk Assessment Branch (A110)

**THRU:** Belinda S. Hawkins, Chief  
Chemical Risk Assessment Branch (A110)

**TO:** Annette M. Gatchett, Deputy Ethics Official  
NCEA-Cincinnati Division (A110)

I am formally requesting permission to accept an opportunity to lecture on pharmacokinetics in a course on Developmental Toxicology. In the *Supplemental Standard of Ethical Conduct for Employees of the Environmental Protection Agency* it states: "The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor." This memorandum serves that purpose.

I plan to present a 40-minute lecture on the development and interpretation of pharmacokinetic information in the context of a course on developmental toxicology. The two-day course will be given twice in the same week to FOIA EX 6 personnel in FOIA EXEMPTION 6 EX 6 at a time to be determined between September 1 and September 30, 2009. The course is contracted through FOIA EXEMPTION 6 of FOIA EXEMPTION 6. I anticipate devoting 2 hours to lecture development and three days' time to travel and present the lecture in Ottawa. These activities will be conducted completely out of normal duty hours. I will be paid \$EX 4 for these services, and will be responsible for my own travel, and all other support (lodging, meals, etc) during the presentation. I know of no agreements or contracts held by FOIA EXEMPTION 6 of FOIA EX 6. No discussions or activities that might affect the policies or regulatory activities of the U. S. EPA or FOIA EX 6 will be conducted.

I will use no official duty time or Government property, resources, or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and § 6401.102.

Attachment (1)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45368

OFFICE OF  
RESEARCH AND DEVELOPMENT

**MEMORANDUM**

**DATE:** June 2, 2010

**SUBJECT:** Response to Request for Approval for Outside Employment Dated June 1, 2010

**FROM:** Annette M. Gatchett  
Deputy Ethics Official  
NCEA, Cincinnati Division (A-110)

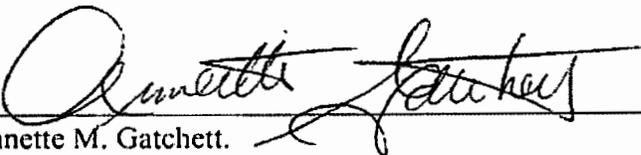
**THRU:** Belinda Hawkins  
Chief  
Chemical Risk Assessment Branch  
NCEA, Cincinnati Division (A-110)

**TO:** FOIA exemption C  
Toxicologist  
Chemical Risk Assessment Branch (A-110)

Based on my reading of this request and of 5 CFR part 2635 and § 6401.102, I have determined that this outside employment is not expected to involve conduct prohibited by statute or regulation, including 5 CFR part 2635 and § 6401.102. Therefore, your request for outside employment is APPROVED. This approval pertains to the requested actions over the period from September 1, 2010, to September 30, 2010.

If there is a change in the nature or scope of the duties performed or the nature of your business, you must submit a revised request for review approval.

Congratulations on your selection to this appointment.

  
Annette M. Gatchett.  
Acting Director, NCEA, Cincinnati Division  
Deputy Ethics Official, NCEA Cincinnati

Date: 6-14-10



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45368

OFFICE OF  
RESEARCH AND DEVELOPMENT

MEMORANDUM

DATE: June 1, 2010

SUBJECT: Request for Approval for Outside Employment

FROM: FOIA ex. 6, Ph.D.  
Toxicologist  
NCEA, Cincinnati Division (A-110) *[Signature]*

THRU: Belinda Hawkins  
Chief  
Chemical Risk Assessment Branch  
NCEA, Cincinnati Division (A-110)

TO: Annette M. Gatchett  
Deputy Ethics Official  
NCEA, Cincinnati Division (A-110)

I am formally requesting permission to accept an opportunity to lecture on pharmacokinetics in a course on Developmental Toxicology. In the *Supplemental Standard of Ethical Conduct for Employees of the Environmental Protection Agency* it states: "The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor." This memorandum serves that purpose.

I plan to present a 40-minute lecture on the development and interpretation of pharmacokinetic information in the context of a course on developmental toxicology. The two-day course will be given twice in the same week to FOIA ex. 6 personnel in FOIA EXEMPTION 6 at a time to be determined between September 1 and September 30, 2010. The course is contracted through FOIA EXEMPTION 6 of FOIA EXEMPTION 6. I anticipate devoting 2 hours to lecture development and three days' time to travel and present the lecture in FOIA ex. 6. These activities will be conducted completely out of normal duty hours. I will be paid \$2500 for these services, and will be responsible for my own travel and all other support (lodging, meals, etc) during the presentation. I know of no agreements or contracts held by FOIA ex. 6 and FOIA ex. 6 or FOIA ex. 6. No discussions or activities that might affect the policies or regulatory activities of the U. S. EPA or FOIA ex. 6 will be conducted.

I will use no official duty time or Government property, resources, or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and § 6401.102.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

OFFICE OF  
RESEARCH AND DEVELOPMENT

**MEMORANDUM**

**DATE:** December 14, 2009

**SUBJECT:** Response to Request for Approval for Outside Employment  
Dated 12/14/09

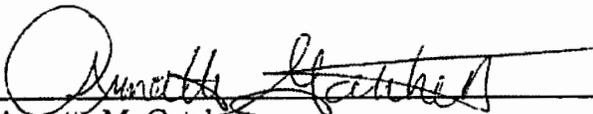
**FROM:** Annette M. Gatchett  
Deputy Ethics Official  
NCEA, Cincinnati Division (A-110)

**TO:** FOIA ex. 4 Ph.D.  
Supervisory Toxicologist, Biological Risk Assessment Branch  
NCEA, Cincinnati Division (A-110)

Based on my reading of this request and of 5 CFR part 2635 and §6401.102, I have determined that this outside employment is not expected to involve conduct prohibited by statute or regulation, including 5 CFR part 2635 and §6401.102. Therefore, your request for outside employment is APPROVED. This approval pertains to the requested actions over the period from January 1, 2010 through August 31, 2010.

If there is a change in the nature or scope of the duties performed or the nature of your business, you must submit a revised request for review approval.

Congratulations on your selection to this appointment.

  
Annette M. Gatchett  
Acting Director, NCEA, Cincinnati Division  
Deputy Ethics Official, NCEA Cincinnati

Date: 12/15/09



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

OFFICE OF  
RESEARCH AND DEVELOPMENT

**MEMORANDUM**

**DATE:** December 14, 2009

**SUBJECT:** Request for Approval for Outside Employment

**FROM:** FOIA ex. 6, Ph.D. FOIA exemption 6  
Supervisory Toxicologist  
NCEA, Cincinnati Division (A-110)

**TO:** Annette Gatchett  
Acting Division Director and Deputy Ethics Official  
NCEA, Cincinnati Division (A-110)

I am formally requesting permission to accept an opportunity to teach an online toxicology course for FOIA exemption 6. In the *Supplemental Standard of Ethical Conduct for Employees of the Environmental Protection Agency* it states: "The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor." This memorandum serves that purpose.

This activity includes course instruction of the online course titled FOIA ex. 6, **Introduction to Chemical Toxicology** which is part of the Department of Pharmacology and Toxicology's undergraduate and graduate programs and the veterinary and medical schools' curricula. The course will be offered in the Spring and Summer semesters and the amount of compensation is \$ FOIA ex. 6 per semester. The timeframe for this activity is from January 1, 2010 through August 31, 2010. I intend to devote approximately 10 hours per week to this activity and this service will be performed entirely outside of my normal duty hours. I also taught this course in 2008 and 2009 and received the appropriate approvals.

I will use no official duty time or Government property, resources or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45368

OFFICE OF  
RESEARCH AND DEVELOPMENT

**MEMORANDUM**

**DATE:** August 23, 2010

**SUBJECT:** Response to Request for Approval for Outside Employment  
Dated 08/23/10

**FROM:** Annette M. Gatchett  
Deputy Ethics Official  
NCEA, Cincinnati Division (A-110)

**TO:** FOR EXEMPTION, Ph.D.  
Supervisory Toxicologist, Biological Risk Assessment Branch  
NCEA, Cincinnati Division (A-110)

Based on my reading of this request and of 5 CFR part 2635 and §6401.102, I have determined that this outside employment is not expected to involve conduct prohibited by statute or regulation, including 5 CFR part 2635 and §6401.102. Therefore, your request for outside employment is APPROVED. This approval pertains to the requested actions over the period from September 1, 2010 through August 31, 2011.

If there is a change in the nature or scope of the duties performed or the nature of your business, you must submit a revised request for review approval.

Congratulations on your selection to this appointment.

Annette M. Gatchett  
Acting Director, NCEA, Cincinnati Division  
Deputy Ethics Official, NCEA Cincinnati

Date: 8/24/10

**MEMORANDUM**

**DATE:** August 23, 2010  
**SUBJECT:** Request for Approval for Outside Employment  
**FROM:** FOIA EXEMPTION 6, Supervisory Toxicologist, Grade 15  
**TO:** Annette Gatchett  
Acting Division Director and Deputy Ethics Official  
NCEA, Cincinnati Division

I am formally requesting permission to accept an opportunity to teach an online toxicology course for FOIA EXEMPTION 6 University. In the *Supplemental Standard of Ethical Conduct for Employees of the Environmental Protection Agency* it states: "The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor." This memorandum serves that purpose.

This activity includes course instruction of the online course titled : **Introduction to Chemical Toxicology** which is part of the Department of Pharmacology and Toxicology's undergraduate and graduate programs and the veterinary and medical schools' curricula. The course will be offered in the Fall, Spring and Summer semesters and the amount of compensation is \$ FOIA 66 per semester. The timeframe for this activity is from September 1, 2010 through August 31, 2011. I intend to devote approximately 10 hours per week to this activity and this service will be performed entirely outside of my normal duty hours. I also taught this course in 2008, 2009 and 2010 and received the appropriate approvals.

I will use no official duty time or Government property, resources or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.

FOIA EXEMPTION 6  
FOIA EXEMPTION 6

Date: 8/23/10



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45368

OFFICE OF  
RESEARCH AND DEVELOPMENT

**MEMORANDUM**

**DATE:** May 3, 2010

**SUBJECT:** Response to Request for Approval for Outside Employment

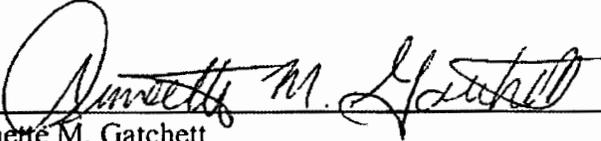
**FROM:** Annette M. Gatchett  
Deputy Ethics Official  
NCEA, Cincinnati Division (A-110)

**TO:** *Fair St. C*, PhD  
Branch Chief, BRAB  
NCEA, Cincinnati Division (A-110)

Based on my reading of this request and of 5 CFR part 2635 and §6401.102, I have determined that this outside employment is not expected to involve conduct prohibited by statute or regulation, including 5 CFR part 2635 and §6401.102. Therefore, your request for outside employment is APPROVED. This approval pertains to the requested actions through August 2010.

If there is a change in the nature or scope of the duties performed or the nature of your business, you must submit a revised request for review approval.

Congratulations on your selection to this appointment.

  
Annette M. Gatchett  
Acting Director, NCEA, Cincinnati Division  
Deputy Ethics Official, NCEA Cincinnati

Date: 5-3-10



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45368

OFFICE OF  
RESEARCH AND DEVELOPMENT

MEMORANDUM

DATE: May 3, 2010

SUBJECT: Request for Approval for Outside Activity

FROM: FOIA exemption 6, PhD  
Branch Chief, BRAB  
NCEA, Cincinnati Division (A-110)

FOIA EXEMPTION 6

TO: Annette Gatchett  
Acting Division Director and Deputy Ethics Official  
NCEA, Cincinnati Division (A-110)

I am formally requesting permission to maintain my current position of Adjunct Associate Professor, with the University of FOIA EX-6 Department of Geography. In the *Supplemental Standard of Ethical Conduct for Employees of the Environmental Protection Agency* it states: "The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor." This memorandum serves that purpose.

My present commitment includes teaching no more than one course per quarter throughout the academic year during hours over the Fall, Winter and Spring Quarters, and two Summer Sessions. During each Quarter, this involves a 50 minute lecture, three times a week for nine weeks at FOIA EX-6 Campus directly across the street from U.S. EPA's AWBERC campus. The Summer Sessions are taught weekdays for an hour-and-a-half over three weeks at the same location. Compensation is less than \$EX-6 per course with paychecks issued on a monthly basis.

I will use no official duty time or Government property, resources or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

OFFICE OF  
RESEARCH AND DEVELOPMENT

**MEMORANDUM**

**DATE:** November 19, 2010  
**SUBJECT:** Response to Request for Approval for Outside Employment  
Dated 11/18/2010  
**FROM:** Annette M. Gatchett *Annette M. Gatchett*  
Deputy Ethics Official  
NCEA, Cincinnati Division (A-110)  
**TO:** *FOIA Ex. 6*, PhD, DABT, F.A.T.S.  
Toxicologist, Chemical Risk Assessment Branch  
NCEA, Cincinnati Division (A-110)

Based on my reading of this request and of 5 CFR part 2635 and §6401.102, I have determined that this outside employment is not expected to involve conduct prohibited by statute or regulation, including 5 CFR part 2635 and §6401.102. Therefore, your request for outside employment is APPROVED. This approval pertains to the requested actions over the period from December 2010 through January 2011.

If there is a change in the nature or scope of the duties performed or the nature of your business, you must submit a revised request for review approval.

Congratulations on your selection to this appointment.

*Annette M. Gatchett*  
Annette M. Gatchett  
Acting Director, NCEA, Cincinnati Division  
Deputy Ethics Official, NCEA Cincinnati

Date: 11/23/10



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

OFFICE OF  
RESEARCH AND DEVELOPMENT

MEMORANDUM

DATE: November 19, 2010

SUBJECT: Request for Approval for Outside Employment

FROM: FOIA EX. 6, PhD, DABT, F.A.T.S.  
Chemical Risk Assessment Branch  
NCEA, Cincinnati Division (A-110)

THROUGH: Belinda S. Hawkins, Ph.D., DABT, Chief  
Chemical Risk Assessment Branch  
NCEA, Cincinnati Division (A-110)

TO: Annette Gatchett  
Acting Division Director and Deputy Ethics Official  
NCEA, Cincinnati Division (A-110)

I am formally requesting permission to accept an opportunity to review four chemical toxicokinetic dossiers for FOIA EX. 6 that describe the relationship between potential chemical exposures and levels of chemicals or metabolites in blood or urine. In the *Supplemental Standard of Ethical Conduct for Employees of the Environmental Protection Agency* it states: "The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor." This memorandum serves that purpose.

This activity includes reading and evaluating the dossiers and supplemental publicly available literature for selected chemicals and rendering written comments on the acceptability and areas of improvement for these documents. FOIA EX. 6 will provide \$ FOIA EX. 6 for these services. The time frame for this activity will be December, 2010 through January, 2011. I intend to devote approximately 24 hours to this activity and this service will be performed entirely outside of my normal duty hours.

I will use no official duty time or Government property, resources or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

OFFICE OF  
RESEARCH AND DEVELOPMENT

**MEMORANDUM**

**DATE:** August 4, 2011

**SUBJECT:** Response to Request for Approval for Outside Employment  
Dated 08/4/11

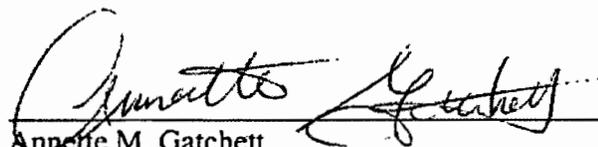
**FROM:** Annette M. Gatchett  
Deputy Ethics Official  
NCEA, Cincinnati Division (A-110)

**TO:** FOIA EXEMPTION 6, Ph.D.  
Supervisory Toxicologist, Biological Risk Assessment Branch  
NCEA, Cincinnati Division (A-110)

Based on my reading of this request and of 5 CFR part 2635 and §6401.102, I have determined that this outside employment is not expected to involve conduct prohibited by statute or regulation, including 5 CFR part 2635 and §6401.102. Therefore, your request for outside employment is APPROVED. This approval pertains to the requested actions over the period from September 1, 2011 through August 31, 2012.

If there is a change in the nature or scope of the duties performed or the nature of your business, you must submit a revised request for review approval.

Congratulations on your selection to this appointment.

  
Annette M. Gatchett  
Acting Director, NCEA, Cincinnati Division  
Deputy Ethics Official, NCEA Cincinnati

Date: 8/4/11



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

OFFICE OF  
RESEARCH AND DEVELOPMENT

MEMORANDUM

DATE: August 2, 2011

SUBJECT: Request for Approval for Outside Employment

FROM: FOIA Exemption 6, Supervisory Toxicologist, Grade 15

TO: Annette Gatchett  
Acting Division Director and Deputy Ethics Official,  
NCEA, Cincinnati Division

I am formally requesting permission to accept an opportunity to teach an online toxicology course for FOIA ex 6 University. In the *Supplemental Standard of Ethical Conduct for Employees of the Environmental Protection Agency* it states: "The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor." This memorandum serves that purpose.

This activity includes course instruction of the online course titled FOIA ex 6 **Introduction to Chemical Toxicology** which is part of the Department of Pharmacology and Toxicology's undergraduate and graduate programs and the veterinary and medical schools' curricula. The course will be offered in the Fall, Spring and Summer semesters and the amount of compensation is \$ FOIA ex 6 per semester. The timeframe for this activity is from September 1, 2011 through August 31, 2012. I intend to devote approximately 10 hours per week to this activity and this service will be performed entirely outside of my normal duty hours. I also taught this course in 2008, 2009, 2010 and 2011 and received the appropriate approvals.

I will use no official duty time or Government property, resources or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.

FOIA Exemption 6  
FOIA Exemption 6

Date: 8/4/11



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

OFFICE OF  
RESEARCH AND DEVELOPMENT

**MEMORANDUM**

**DATE:** February 24, 2011

**SUBJECT:** Response to Request for Approval for Outside Employment  
Dated 02/23/11

**FROM:** Annette M. Gatchett  
Deputy Ethics Official  
NCEA, Cincinnati Division (A-110)

**TO:** ~~FOLIA EXEMPTION~~ PhD, DABT, F.A.T.S.  
Toxicologist, Chemical Risk Assessment Branch  
NCEA, Cincinnati Division (A-110)

Based on my reading of this request and of 5 CFR part 2635 and §6401.102, I have determined that this outside employment is not expected to involve conduct prohibited by statute or regulation, including 5 CFR part 2635 and §6401.102. Therefore, your request for outside employment is APPROVED. This approval pertains to the requested actions over the period from March 21-22, 2011.

If there is a change in the nature or scope of the duties performed or the nature of your business, you must submit a revised request for review approval.

Congratulations on your selection to this appointment.

  
\_\_\_\_\_  
Annette M. Gatchett  
Acting Director, NCEA, Cincinnati Division  
Deputy Ethics Official, NCEA Cincinnati

Date: 3-3-11



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

OFFICE OF  
RESEARCH AND DEVELOPMENT

MEMORANDUM

DATE: February 23, 2010

SUBJECT: Request for Approval for Outside Employment

FROM: FOIA EXEMPTION, Ph.D., DABT, F.A.T.S.  
Chemical Risk Assessment Branch  
NCEA, Cincinnati Division (A-110)

THRU: Belinda Hawkins, Ph.D., DABT, Chief  
Chemical Risk Assessment Branch  
NCEA, Cincinnati Division (A-110)

TO: Annette M. Gatchett  
Deputy Ethics Official  
NCEA, Cincinnati Division (A-110)

I am formally requesting permission to accept an opportunity to lecture on pharmacokinetics in a course on Developmental Toxicology. In the *Supplemental Standard of Ethical Conduct for Employees of the Environmental Protection Agency* it states: "The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor." This memorandum serves that purpose.

I plan to present three 40-minute lectures on the development and interpretation of pharmacokinetic information for developmental toxicants; dose-response evaluation for developmental toxicants; and route to route extrapolation. The two-day course will be given to FOIA EXC 1 personnel in FOIA EXEMPTIONS March 21-22, 2011. The course is contracted through Dr. Kannan Krishnan of Pierrefonds, Canada. I anticipate devoting 4 hours to lecture development and three days' time to travel and present the lecture in FOIA EXC 1. These activities will be conducted completely out of normal duty hours. I will be paid \$ FOIA EXC 1 plus travel and lodging expenses for these services. I know of no agreements or contracts held by FOIA EXC 1 or FOIA EXC 1. No discussions or activities that might affect the policies or regulatory activities of the U. S. EPA or FOIA EXC 1 will be conducted.

I will use no official duty time or Government property, resources, or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and § 6401.102.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

OFFICE OF  
RESEARCH AND DEVELOPMENT

**MEMORANDUM**

**DATE:** February 24, 2011

**SUBJECT:** Response to Request for Approval for Outside Employment  
Dated 02/23/11

**FROM:** Annette M. Gatchett  
Deputy Ethics Official  
NCEA, Cincinnati Division (A-110)

**TO:** FOIA EX 6  
\_\_\_\_\_, PhD, DABT, F.A.T.S.  
Toxicologist, Chemical Risk Assessment Branch  
NCEA, Cincinnati Division (A-110)

Based on my reading of this request and of 5 CFR part 2635 and §6401.102, I have determined that this outside employment is not expected to involve conduct prohibited by statute or regulation, including 5 CFR part 2635 and §6401.102. Therefore, your request for outside employment is APPROVED. This approval pertains to the requested actions over the period from March 21-22, 2011.

If there is a change in the nature or scope of the duties performed or the nature of your business, you must submit a revised request for review approval.

Congratulations on your selection to this appointment.

  
\_\_\_\_\_  
Annette M. Gatchett  
Acting Director, NCEA, Cincinnati Division  
Deputy Ethics Official, NCEA Cincinnati

Date: 3-3-11



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

OFFICE OF  
RESEARCH AND DEVELOPMENT

MEMORANDUM

DATE: February 23, 2010

SUBJECT: Request for Approval for Outside Employment

FROM: FOIA EXEMPTION 6, Ph.D., DABT, F.A.T.S.  
Chemical Risk Assessment Branch  
NCEA, Cincinnati Division (A-110)

THRU: Belinda Hawkins, Ph.D., DABT, Chief  
Chemical Risk Assessment Branch  
NCEA, Cincinnati Division (A-110)

TO: Annette M. Gatchett  
Deputy Ethics Official  
NCEA, Cincinnati Division (A-110)

I am formally requesting permission to accept an opportunity to lecture on pharmacokinetics in a course on Developmental Toxicology. In the *Supplemental Standard of Ethical Conduct for Employees of the Environmental Protection Agency* it states: "The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor." This memorandum serves that purpose.

I plan to present three 40-minute lectures on the development and interpretation of pharmacokinetic information for developmental toxicants; dose-response evaluation for developmental toxicants; and route to route extrapolation. The two-day course will be given to FOIA EX 6 personnel in FOIA EXEMPTION 6 March 21-22, 2011. The course is contracted through FOIA EXEMPTION 6 of FOIA EXEMPTION 6. I anticipate devoting 4 hours to lecture development and three days' time to travel and present the lecture in EX 6. These activities will be conducted completely out of normal duty hours. I will be paid \$ FOIA EX 6 plus travel and lodging expenses for these services. I know of no agreements or contracts held by FOIA EX 6 or FOIA EX 6. No discussions or activities that might affect the policies or regulatory activities of the U. S. EPA or FOIA EX 6 will be conducted.

I will use no official duty time or Government property, resources, or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and § 6401.102.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45368

OFFICE OF  
RESEARCH AND DEVELOPMENT

**MEMORANDUM**

**DATE:** October 27, 2010

**SUBJECT:** Response to Request for Approval for Outside Employment  
Dated 10/26/2010

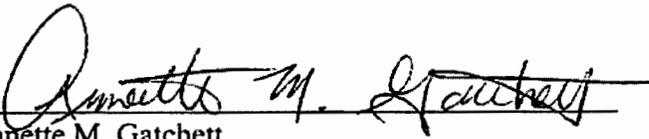
**FROM:** Annette M. Gatchett  
Deputy Ethics Official  
NCEA, Cincinnati Division (A-110)

**TO:** FOIA Exemptions  
Toxicologist, Chemical Risk Assessment Branch  
NCEA, Cincinnati Division (A-110)

Based on my reading of this request and of 5 CFR part 2635 and §6401.102, I have determined that this outside employment is not expected to involve conduct prohibited by statute or regulation, including 5 CFR part 2635 and §6401.102. Therefore, your request for outside employment is APPROVED. This approval pertains to the requested actions over the period from January 1, 2011 through September 30, 2012.

If there is a change in the nature or scope of the duties performed or the nature of your business, you must submit a revised request for review approval.

Congratulations on your selection to this appointment.

  
Annette M. Gatchett  
Acting Director, NCEA, Cincinnati Division  
Deputy Ethics Official, NCEA Cincinnati

Date: 11/8/10



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45368

OFFICE OF  
RESEARCH AND DEVELOPMENT

**MEMORANDUM**

**DATE:** October 26, 2010

**SUBJECT:** Request for Approval for Outside Employment

**FROM:** *FOIA EXEMPTION 4*, PhD, DABT, F.A.T.S.  
Chemical Risk Assessment Branch, NCEA-Cin (A-110)

**THROUGH:** Belinda Hawkins, Ph.D., DABT, Chief  
Chemical Risk Assessment Branch, NCEA-Cin (A-110)

**TO:** *fo* Annette Gatchett *Annette Gatchett*  
Acting Division Director and Deputy Ethics Official  
NCEA, Cincinnati Division (A-110)

I am formally requesting permission to accept an appointment as Adjunct Professor of Toxicology in the Department of Pharmacology and Toxicology at the University of *FOIA EXEMPTION 4*. In the *Supplemental Standard of Ethical Conduct for Employees of the Environmental Protection Agency* it states: "The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor." This memorandum serves that purpose.

Duties in the department would be subject to discussion, and may include lectures in human health risk assessment and toxicology, as well as serving on graduate/postdoctoral fellow advisory committees and in the selection and recruitment of speakers for the department's seminar series. Other opportunities may also arise and will be discussed on a case by case basis. There will be no financial compensation, though the University may cover travel expenses on occasion. The time frame for this activity is from January 1, 2011 through September 30, 2012. I intend to devote approximately 1 hour per week to this activity and this service will be performed entirely outside of my normal duty hours.

I will use no official duty time or Government property, resources or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45368

OFFICE OF  
RESEARCH AND DEVELOPMENT

**MEMORANDUM**

**DATE:** October 27, 2010

**SUBJECT:** Response to Request for Approval for Outside Employment  
Dated 10/26/2010

**FROM:** Annette M. Gatchett  
Deputy Ethics Official  
NCEA, Cincinnati Division (A-110)

**TO:** FOIA EXEMPTION 6  
Toxicologist, Chemical Risk Assessment Branch  
NCEA, Cincinnati Division (A-110)

Based on my reading of this request and of 5 CFR part 2635 and §6401.102, I have determined that this outside employment is not expected to involve conduct prohibited by statute or regulation, including 5 CFR part 2635 and §6401.102. Therefore, your request for outside employment is APPROVED. This approval pertains to the requested actions over the period from April 2011 through April 2013.

If there is a change in the nature or scope of the duties performed or the nature of your business, you must submit a revised request for review approval.

Congratulations on your selection to this appointment.

  
Annette M. Gatchett  
Acting Director, NCEA, Cincinnati Division  
Deputy Ethics Official, NCEA Cincinnati

Date: 10/19/10



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45368

OFFICE OF  
RESEARCH AND DEVELOPMENT

**MEMORANDUM**

**DATE:** October 26, 2010

**SUBJECT:** Request for Approval for Outside Employment

**FROM:** FOIA EX-6, PhD, DABT, F.A.T.S.  
Chemical Risk Assessment Branch, NCEA (A-110)

**THROUGH:** Belinda S. Hawkins, Ph.D., DABT, Chief  
Chemical Risk Assessment Branch, NCEA (A-110)

**TO:** Annette Gatchett  
Acting Division Director and Deputy Ethics Official  
NCEA, Cincinnati Division (A-110)

I am formally requesting permission to accept a nomination to run for (FOIA exemption) EX-6. This is an elected position; the election will be held in the spring of 2011. In the *Supplemental Standard of Ethical Conduct for Employees of the Environmental Protection Agency* it states: "The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor." This memorandum serves that purpose.

If elected, this position would require travel to three two-day meetings per year and additional committee work on issues important to the strategic direction of the Society. There will be no financial compensation, though the Society will cover expenses related to travel. The time frame for this activity would be from April 2011 through April 2013. In addition to the travel time, I intend to devote approximately 2 hours per week to this activity and this service will be performed entirely outside of my normal duty hours.

I will use no official duty time or Government property, resources or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45368

OFFICE OF  
RESEARCH AND DEVELOPMENT

MEMORANDUM

**DATE:** November 3, 2010

**SUBJECT:** Response to Request for Approval for Outside Employment  
Dated 11/2/2010

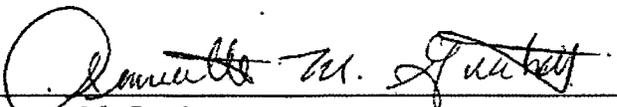
**FROM:** Annette M. Gatchett  
Deputy Ethics Official  
NCEA, Cincinnati Division (A-110)

**TO:** ~~FOIA EXEMPTION 6~~  
Toxicologist, Chemical Risk Assessment Branch  
NCEA, Cincinnati Division (A-110)

Based on my reading of this request and of 5 CFR part 2635 and §6401.102, I have determined that this outside employment is not expected to involve conduct prohibited by statute or regulation, including 5 CFR part 2635 and §6401.102. Therefore, your request for outside employment is APPROVED. This approval pertains to the requested actions over the period from January 24-26, 2011 plus three days time to travel.

If there is a change in the nature or scope of the duties performed or the nature of your business, you must submit a revised request for review approval.

Congratulations on your selection to this appointment.



Annette M. Gatchett  
Acting Director, NCEA, Cincinnati Division  
Deputy Ethics Official, NCEA Cincinnati

Date: 11/3/10



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45368

OFFICE OF  
RESEARCH AND DEVELOPMENT

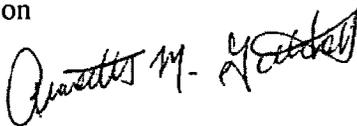
MEMORANDUM

DATE: November 2, 2010

SUBJECT: Request for Approval for Outside Employment

FROM: FOIA EX-6 PhD, DABT, F.A.T.S.  
Chemical Risk Assessment Branch, NCEA-Cin (A-110)

THRU:  Belinda Hawkins, PhD, DABT  
Chief  
Chemical Risk Assessment Branch  
NCEA, Cincinnati Division 

TO: Annette M. Gatchett   
Deputy Ethics Official  
NCEA, Cincinnati Division

I am formally requesting permission to accept an opportunity to lecture on pharmacokinetics in a course on Developmental Toxicology. In the *Supplemental Standard of Ethical Conduct for Employees of the Environmental Protection Agency* it states: "The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor." This memorandum serves that purpose.

I plan to present three 40-minute lectures on the development and interpretation of pharmacokinetic information for developmental toxicants; dose-response evaluation for developmental toxicants; and route to route extrapolation. The two-day course will be given to FOIA EX-6 personnel in FOIA EXEMPTION 6 a, January 24-26, 2011. The course is contracted through FOIA EXEMPTION 6 of FOIA EX-6. I anticipate devoting 16 hours to lecture development and three days' time to travel and present the

lecture in FOIA Ex. 6. These activities will be conducted completely out of normal duty hours. I will be paid \$FOIA Exemption plus travel and lodging expenses for these services. I know of no agreements or contracts held by FOIA Ex. 6 or FOIA Ex. 7. No discussions or activities that might affect the policies or regulatory activities of the U. S. EPA or FOIA Ex. 6 will be conducted.

I will use no official duty time or Government property, resources, or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and § 6401.102.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

OFFICE OF  
RESEARCH AND DEVELOPMENT

**MEMORANDUM**

**DATE:** November 17, 2010

**SUBJECT:** Response to Request for Approval for Outside Employment

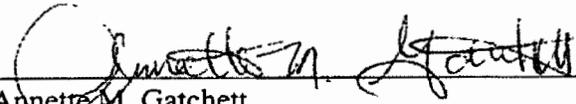
**FROM:** Annette M. Gatchett -  
Deputy Ethics Official  
NCEA, Cincinnati Division (A-110)

**TO:** POIA EXEMPTION Ph.D.  
Branch Chief, BRAB  
NCEA, Cincinnati Division (A-110)

Based on my reading of this request and of 5 CFR part 2635 and §6401.102, I have determined that this outside employment is not expected to involve conduct prohibited by statute or regulation, including 5 CFR part 2635 and §6401.102. Therefore, your request for outside employment is APPROVED. This approval pertains to the requested actions through August 2011.

If there is a change in the nature or scope of the duties performed or the nature of your business, you must submit a revised request for review approval.

Congratulations on your selection to this appointment.

  
Annette M. Gatchett  
Acting Director, NCEA, Cincinnati Division  
Deputy Ethics Official, NCEA Cincinnati

Date: 11/17/10



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

OFFICE OF  
RESEARCH AND DEVELOPMENT

MEMORANDUM

DATE: November 16, 2010

SUBJECT: Request for Approval for Outside Activity

FROM: *FOIA EXC* Ph.D. *FOIA EXEMPTION b*  
Branch Chief, BRAE  
NCEA, Cincinnati Division (A-110)

TO: Annette Gatchett  
Acting Division Director and Deputy Ethics Official  
NCEA, Cincinnati Division (A-110)

I am formally requesting permission to maintain my current position of Adjunct Associate Professor, with the University of *FOIA EXC* Department of Geography. In the *Supplemental Standard of Ethical Conduct for Employees of the Environmental Protection Agency* it states: "The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor." This memorandum serves that purpose.

My present commitment includes teaching no more than one course per quarter throughout the academic year during hours over the Fall, Winter and Spring Quarters, and two Summer Sessions. During each Quarter, this involves a 50 minute lecture, three times a week for nine weeks at *FOIA EXC* Campus directly across the street from U.S. EPA's AWBERC campus. The Summer Sessions are taught weekdays for an hour-and-a-half over three weeks at the same location. Compensation is less than \$ *EXC* per course with paychecks issued on a monthly basis.

I will use no official duty time or Government property, resources or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

OFFICE OF  
RESEARCH AND DEVELOPMENT

**MEMORANDUM**

**DATE:** September 6, 2011

**SUBJECT:** Response to Request for Approval for Outside Employment  
Dated September 6, 2011

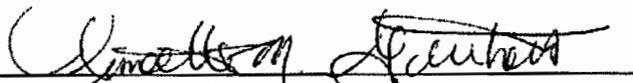
**FROM:** Annette M. Gatchett  
Deputy Ethics Official  
NCEA, Cincinnati Division (A-110)

**TO:** FOIA exemption Ph.D.  
Toxicologist, Chemical Risk Assessment Branch  
NCEA, Cincinnati Division (A-110)

Based on my reading of this request and of 5 CFR part 2635 and §6401.102, I have determined that this outside employment is not expected to involve conduct prohibited by statute or regulation, including 5 CFR part 2635 and §6401.102. Therefore, your request for outside employment is APPROVED. This approval pertains to the requested actions over the period from September 19, 2011 through September 22, 2011.

If there is a change in the nature or scope of the duties performed or the nature of your business, you must submit a revised request for review approval.

Congratulations on your selection to this appointment.

  
Annette M. Gatchett  
Acting Director, NCEA, Cincinnati Division  
Deputy Ethics Official, NCEA Cincinnati

Date: 9-8-11



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

OFFICE OF  
RESEARCH AND DEVELOPMENT

MEMORANDUM

DATE: September 6, 2011

SUBJECT: Request for Approval for Outside Employment

FROM: FOIA EX 6, Ph.D, M.P.H., DABT  
Chemical Risk Assessment Branch  
NCEA, Cincinnati Division (A-110)

THROUGH: Belinda S. Hawkins, Ph.D., DABT Chief  
Chemical Risk Assessment Branch  
NCEA, Cincinnati Division (A-110)

TO: Annette Gatchett  
Acting Division Director and Deputy Ethics Official  
NCEA, Cincinnati Division (A-110)

I am formally requesting permission to accept an opportunity to lecture a 2-day chemical risk assessment workshop in FOIA EX 6, and attend and present at The International Conference on Risk Assessment and Management in FOIA EX 6. In the *Supplemental Standard of Ethical Conduct for Employees of the Environmental Protection Agency* it states: "The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor." This memorandum serves that purpose.

For the chemical risk assessment workshop, I plan to present two half-day workshops on general topics in chemical risk assessment, use of uncertainty factors and benchmark dose modeling in chemical risk assessment. These workshops will be given to scientists in FOIA EX 6 Academy of Medical Sciences, FOIA EX 6 September 19-20, 2011. In addition, I plan to attend and present a symposium presentation on general aspects of chemical risk assessment at The International Conference on Risk Assessment and Management in FOIA EX 6, September 21-22, 2011. I intend to devote approximately 40 hours to these activities and this service will be performed entirely outside of my normal duty hours. The FOIA EX 6 Academy of Medical Sciences will cover travel and lodging expense to FOIA EX 6. I know of no agreements or contracts held by The EX 6 Academy of Medical Sciences. No discussions or activities that might affect the policies or regulatory activities of the U.S. EPA will be conducted.

I will use no official duty time or Government property, resources or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

OFFICE OF  
RESEARCH AND DEVELOPMENT

MEMORANDUM

DATE: April 2, 2013

SUBJECT: Request for Approval for Outside Employment

FROM: ~~FOIA Exemption 6~~ Ph.D., DABT, F.A.T.S.  
Toxicologist  
Chemical Risk Assessment Branch, NCEA-CIN (A-110)

THROUGH: Belinda S. Hawkins, Ph.D., DABT  
Chief  
Chemical Risk Assessment Branch, NCEA-CIN (A-110)

TO: Annette Gatchett  
Acting Division Director and Deputy Ethics Official  
NCEA, Cincinnati Division (A-110)

I am formally requesting permission to accept an opportunity to travel to and present a 40 minute Keynote address on risk assessment at the annual ~~FOIA EXG~~ at ~~FOIA EXG~~ University, ~~EXG~~, ~~FOIA EXG~~ in May 2, 2013. In the *Supplemental Standard of Ethical Conduct for Employees of the Environmental Protection Agency* it states: "The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor." This memorandum serves that purpose.

This activity includes developing and presenting a lecture describing the risk assessment process and the extent to which it relies on toxicology and dose response information. All travel costs will be provided by ~~FOIA EXG~~ University, either in-kind or reimbursed, and they will provide a ~~5,000~~ honorarium. Beyond travel time, I intend to devote approximately two hours to this activity and this service will be performed entirely outside of my normal duty hours.

I will use no official duty time or Government property, resources or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

OFFICE OF  
RESEARCH AND DEVELOPMENT

MEMORANDUM

**DATE:** April 3, 2013

**SUBJECT:** Response to Request for Approval for Outside Employment  
Dated 04/02/13

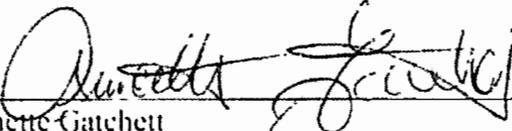
**FROM:** Annette Gatchett  
Deputy Ethics Official  
NCEA, Cincinnati Division (A-110)

**TO:** ~~FOIA EXEMPT~~ PhD, DABT, F.A.T.S.  
Toxicologist, Chemical Risk Assessment Branch  
NCEA, Cincinnati Division (A-110)

Based on my reading of this request and of 5 CFR part 2635 and §6401.102, I have determined that this outside employment is not expected to involve conduct prohibited by statute or regulation, including 5 CFR part 2635 and §6401.102. Therefore, your request for outside employment is APPROVED. This approval pertains to the requested actions on May 2, 2013.

If there is a change in the nature or scope of the duties performed or the nature of your business, you must submit a revised request for review approval.

Congratulations on your selection to this appointment.

  
Annette Gatchett  
Acting Director, NCEA, Cincinnati Division  
Deputy Ethics Official, NCEA Cincinnati

Date: 4-15-13



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

OFFICE OF  
RESEARCH AND DEVELOPMENT

MEMORANDUM

**DATE:** April 3, 2013

**SUBJECT:** Response to Request for Approval for Outside Employment  
Dated 04/02/13

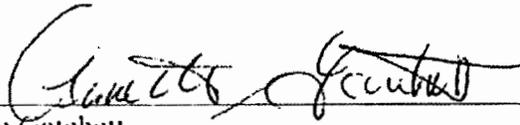
**FROM:** Annette Gatchett  
Deputy Ethics Official  
NCEA, Cincinnati Division (A-110)

**TO:** ~~FOIA EXC~~ PhD, DABT, F.A.T.S.  
Toxicologist, Chemical Risk Assessment Branch  
NCEA, Cincinnati Division (A-110)

Based on my reading of this request and of 5 CFR part 2635 and §6401.102, I have determined that this outside employment is not expected to involve conduct prohibited by statute or regulation, including 5 CFR part 2635 and §6401.102. Therefore, your request for outside employment is APPROVED. This approval pertains to the requested actions on April 23<sup>rd</sup> Chemical Risk Assessment Branch, 2013.

If there is a change in the nature or scope of the duties performed or the nature of your business, you must submit a revised request for review approval.

Congratulations on your selection to this appointment.

  
Annette Gatchett  
Acting Director, NCEA, Cincinnati Division  
Deputy Ethics Official, NCEA Cincinnati

Date: 4-15-13



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

OFFICE OF  
RESEARCH AND DEVELOPMENT

MEMORANDUM

DATE: April 2, 2013

SUBJECT: Request for Approval for Outside Employment

FROM: ~~FOIA Exemption~~ Ph.D., DABT, F.A.T.S.  
Toxicologist  
Chemical Risk Assessment Branch, NCEA-CIN (A-110)

FOIA Exemption

THROUGH: Belinda S. Hawkins, Ph.D., DABT,  
Chief  
Chemical Risk Assessment Branch, NCEA-CIN (A-110)

TO: Annette Gatchett  
Acting Division Director and Deputy Ethics Official  
NCEA, Cincinnati Division (A-110)

I am formally requesting permission to accept an opportunity to travel to and present a 40 minute lecture on risk assessment at the annual meeting of the Northern California Chapter of the ~~FOIA Ex Co~~ in San Francisco, CA on April 23, 2013. In the *Supplemental Standard of Ethical Conduct for Employees of the Environmental Protection Agency* it states: "The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor." This memorandum serves that purpose.

This activity includes developing and presenting a lecture describing the risk assessment process and the extent to which it relies on toxicology and dose response information. This will be the same lecture planned for presentation at ~~FOIA Ex 6~~ University on May 4, 2013. All travel costs will be reimbursed by the Northern California Chapter of the ~~FOIA Exemption 6~~. No honorarium will be provided. This request will only require travel time, as the materials will have been previously developed. Any incidental requirements will be performed entirely outside of my normal duty hours.

I will use no official duty time or Government property, resources or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

OFFICE OF  
RESEARCH AND DEVELOPMENT

MEMORANDUM

**DATE:** November 2, 2012

**SUBJECT:** Response to Request for Approval for Outside Employment  
Dated 11/01/12

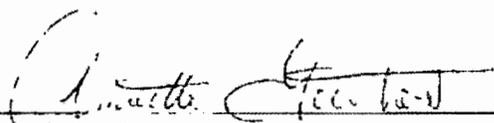
**FROM:** Annette Gatchett  
Deputy Ethics Official  
NCEA, Cincinnati Division (A-110)

**TO:** ~~FOIA EXC~~, PhD, DABT, F.A.T.S.  
Toxicologist, Chemical Risk Assessment Branch  
NCEA, Cincinnati Division (A-110)

Based on my reading of this request and of 5 CFR part 2635 and §6401.102, I have determined that this outside employment is not expected to involve conduct prohibited by statute or regulation, including 5 CFR part 2635 and §6401.102. Therefore, your request for outside employment is APPROVED. This approval pertains to the requested actions over the period March 25-26, 2013.

If there is a change in the nature or scope of the duties performed or the nature of your business, you must submit a revised request for review approval.

Congratulations on your selection to this appointment.

  
\_\_\_\_\_  
Annette Gatchett  
Acting Director, NCEA, Cincinnati Division  
Deputy Ethics Official, NCEA Cincinnati

Date: 11-5-12



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT  
CINCINNATI, OH 45268

OFFICE OF  
RESEARCH AND DEVELOPMENT

MEMORANDUM

**DATE:** November 1, 2012

**SUBJECT:** Request for Approval for Outside Employment

**FROM:** FOIA exemption  
Toxicologist  
Chemical Risk Assessment Branch

**THRU:** Belinda Hawkins  
Chief  
Chemical Risk Assessment Branch  
NCEA, Cincinnati Division

**TO:** Annette M. Gatchett  
Deputy Ethics Official  
NCEA, Cincinnati Division

FOIA exemption 6

[Signature] 11/5/12

I am formally requesting permission to accept an opportunity to lecture on pharmacokinetics in a course on Developmental Toxicology. In the *Supplemental Standard of Ethical Conduct for Employees of the Environmental Protection Agency* it states: "The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor." This memorandum serves that purpose.

I plan to present three 40-minute lectures on the development and interpretation of pharmacokinetic information for developmental toxicants; dose-response evaluation for developmental toxicants; and route to route extrapolation. The two-day course will be given to FOIA EX6 personnel in FOIA EX6 ia, March 25-26, 2013. The course is contracted through FOIA exemption 6 of FOIA exemption 6. I anticipate devoting 4 hours to lecture development and three days' time to travel and present the lecture in EX6. These activities will be conducted completely out of normal duty hours. I will be paid \$ FOIA EX6 plus travel and lodging expenses for these services. I know of no agreements or contracts held by FOIA EX6 or FOIA EX6. No discussions or activities that might affect the policies or regulatory activities of the U. S. EPA or FOIA EX6 will be conducted.

I will use no official duty time or Government property, resources, or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and § 6401.102.



January 7th, 2011

**MEMORANDUM**

Subject: Request to Teach a Course entitled "Environmental and Natural Resource Policy" at FOIA EXL University

From: FOIA EXEMPTIONS

To: Chris Grundler, Deputy Director, OTAQ

I am writing to request your permission to teach a graduate-level course entitled "Environmental and Natural Resource Policy" at FOIA EXL University this Spring. The course will meet from January to May 2011. The total compensation for the course is \$ EXL. The course will meet outside of the times that I am working at the U.S. EPA and, thus, will not conflict with my official work schedule. All work related to the course will be done on private time. My understanding of EPA's conditions for outside employment are that I:

- ◆ receive permission from the Deputy Ethics Officer of OTAQ ;
- ◆ ensure that the work will not relate to my "official duties" under the definition in the C.F.R. (it would not); or ensure that it fits the exception in the C.F.R. which permits compensation for teaching a course requiring multiple presentations that is part of the regularly established curriculum of an institution of higher education (it would);
- ◆ am clear that the offer was made to me neither as a result of my official position (it was not) nor by someone with whom I carry out my official duties (it was not);
- ◆ make no reference to my official position except as one of several biographic details given equal prominence; and
- ◆ does not draw substantially on ideas or official data that are nonpublic information (the course would not).

As required by the C.F.R., I hereby recuse myself from any decisions that may involve EPA contracts, grants, cooperative agreements, or other financial connections with University.

I have met all of these conditions. By following them, I am complying with the outside employment conditions of 5 C.F.R. Part 2635. I therefore request your permission to teach this course and to receive compensation for them. I have provided space below for you to indicate your concurrence or non-concurrence with my request. Thank you for your attention to this matter.



Approved

01/07/2011

cc: Sarah Dunham

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Disapproved

Chris Grundler  
Deputy Ethics Officer, OTAQ

Required by 5 CFR 6401.103 and reiterated in EPA policy, an employee must obtain approval from his or her Deputy Ethics Official before engaging in outside employment (with or without compensation). The required form and content of the request is as follows:

The employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. The request shall be sent through the employee's immediate supervisor (for the supervisor's information) and shall include:

- (1) Employee's name, title and grade;
  - a. FOIA exemption 6
  - b. Advanced Testing Center Director
  - c. GS-14
  
- (2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;
  - a. Perform ground and/or flight instruction to pilot students in the operation of airplanes. Fly airplanes, with or without the owner on board, to alternate location for specified purpose, such as to have maintenance performed or to relocate to a new home airport.
  
- (3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);
  - a. Self-employment--flight instruction or ferry pilot services. Estimate 6 or fewer clients during the next 6 months.
  
- (4) The estimated time to be devoted to the activity;
  - a. Estimate less than 8 hours per month on average.
  
- (5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);
  - a. Service will be performed entirely outside of normal duty hours.
  
- (6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;
  - a. I attest that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment.
  
- (7) The basis for compensation (e.g., fee, per diem, per annum, etc.);
  - a. Approximately \$24 per flight hour.
  
- (8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and Sec. 6401.102; and

a. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and Sec. 6401.102.

(9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

a. No EPA assistance agreements or contracts are held by any persons to or for whom I would provide services.

Notes:

1. Approval will be granted only when there is a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and Sec. 6401.102. The decision must be in writing.

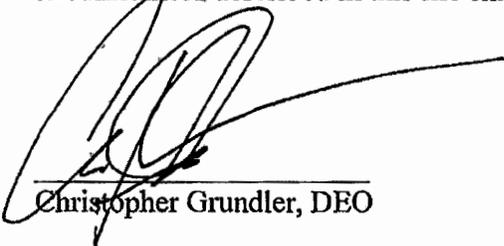
2. For this purpose, "employment" means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher, or speaker. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organizations, unless such activities are for compensation other than reimbursement for expenses.

Signed,

FOIA EXEMPTION 6

March 12, 2012

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This request for outside employment is approved, and shall remain in effect for 5 years. The employee is responsible for notifying the assistant to the Designated Ethics Official is any of the circumstances described in this file change in that timeframe.

  
\_\_\_\_\_  
Christopher Grundler, DEO

3.13.12  
Date

January 15th, 2013

MEMORANDUM

Subject: Request Permission to Teach a Course entitled "Environmental and Natural Resource Economics" at FOIA EXC University

From: FOIA EXEMPTIONS

To: Chris Grundler, Deputy Director, OTAQ

I am writing to request your permission to teach a graduate-level course entitled "Environmental and Natural Resource Economics" at FOIA EXC University this Spring. The course will meet from late January through the mid-May 2013 timeframe. The total compensation for the course is around \$ EXC. The course will meet outside of the times that I am working at the U.S. EPA and, thus, will not conflict with my official work schedule. All work related to the course will be done on private time. My understanding of EPA's conditions for outside employment are that I:

- ◆ receive permission from the Deputy Ethics Officer of OTAQ ;
- ◆ ensure that the work will not relate to my "official duties" under the definition in the C.F.R. (it would not); or ensure that it fits the exception in the C.F.R. which permits compensation for teaching a course requiring multiple presentations that is part of the regularly established curriculum of an institution of higher education (it would);
- ◆ am clear that the offer was made to me neither as a result of my official position (it was not) nor by someone with whom I carry out my official duties (it was not);
- ◆ make no reference to my official position except as one of several biographic details given equal prominence; and
- ◆ does not draw substantially on ideas or official data that are nonpublic information (the course would not).

As required by the C.F.R., I hereby recuse myself from any decisions that may involve EPA contracts, grants, cooperative agreements, or other financial connections with FOIA EXC University.

I have met all of these conditions. By following them, I am complying with the outside employment conditions of 5 C.F.R. Part 2635. I therefore request your permission to teach this course and to receive compensation for them. I have provided space below for you to indicate your concurrence or non-concurrence with my request. Thank you for your attention to this matter.

Analysis of the Request:

Per §6401.103(c) "Standard for Approval", I have determined that the outside employment requested is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102. ~~FOIA Ex 6~~ seeks to accept a short-term, part-time position teaching a class at ~~FOIA Ex 6~~ university.

In considering whether ~~FOIA Ex 6~~ request meets the standard for approval, I evaluated the request vis-à-vis the appropriate laws and regulations.

Employees are generally prohibited from receiving compensation for teaching, speaking or writing that is related to official duties. See 5 CFR 2635.807. To determine whether the outside activity is related to official duties, I made determinations on the following areas of import to this request to determine if any were true; if so, then the employee cannot accept compensation:

(A) The activity is undertaken as part of the employee's official duties; No

B) The circumstances indicate that the invitation to engage in the activity was extended to the employee primarily because of his official position rather than his expertise on the particular subject matter; No

(C) The invitation to engage in the activity or the offer of compensation for the activity was extended to the employee, directly or indirectly, by a person who has interests that may be affected substantially by performance or nonperformance of the employee's official duties; No. Further, the employee has recused himself from any future, potential activity (grants, contracts, etc.) involving FOIA Ex. 6 University.

(D) The information conveyed through the activity draws substantially on ideas or official data that are nonpublic information as defined in §2635.703(b) No; or

(E) Except as provided in paragraph (a)(2)(i)(E)(4) of this section, the subject of the activity deals in significant part with:

(1) Any matter to which the employee presently is assigned or to which the employee had been assigned during the previous one-year period; No [or]

(2) Any ongoing or announced policy, program or operation of the agency No, except in the broadest terms on the topic of Environmental and Natural Resource Economics.

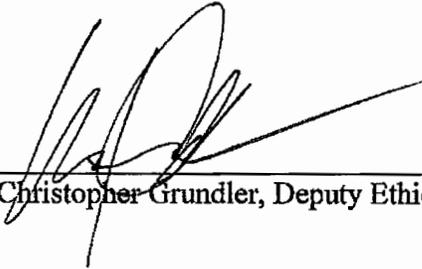
According to the Office of Government Ethics, the term "matter" is broader than "particular matter." OGE says a "matter" covers even the consideration or adoption of broad policy options that are directed to the interests of a large and diverse group of persons. Of course, the term also includes any particular matter or particular matter



involving specific parties. However, I note that the ethics regulations also state: Section 2635.807(a)(2)(i)(E) does not preclude an employee ... from receiving compensation for teaching, speaking or writing on a subject within the employee's discipline or inherent area of expertise based on his educational background or experience even though the teaching, speaking or writing deals generally with a subject within the agency's areas of responsibility.

Finding:

I find that none of the salient restrictions apply to the request from ~~FCIA EXEMPTION 6~~. Additionally, I find that this request contains no apparent conflict with any of the general principles outlined in 5 CFR part 2635. Therefore, I approve this request for seeking and accepting outside employment and find no inconsistencies with the Standards of Ethical Conduct to be present.

  
\_\_\_\_\_  
Christopher Grundler, Deputy Ethics Official, OTAQ

1/15/2013  
January 15, 2013



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

January 9<sup>th</sup>, 2014

OFFICE OF  
AIR AND RADIATION

**MEMORANDUM**

**Subject:** Request Permission to Teach a Course entitled "Environmental and Natural Resource Economics" at FOIA EXL University

**From:** FOIA EXEMPTIONS

**To:** Chris Grundler, Office Director, OTAQ

I am writing to request your permission to teach a graduate-level course entitled "Environmental and Natural Resource Economics" at FOIA EXL University this Spring. The course will meet from late January through mid-May in the 2014 timeframe. The total compensation for the course is \$1 FOIA EXL. The course will meet outside of the times that I am working at the U.S. EPA and, thus, will not conflict with my official work schedule. All work related to the course will be done on private time.

My understanding of EPA's conditions for outside employment are that I:

- ◆ receive permission from the Deputy Ethics Officer of OTAQ ;
- ◆ ensure that the work will not relate to my "official duties" under the definition in the C.F.R. (it would not); or ensure that it fits the exception in the C.F.R. which permits compensation for teaching a course requiring multiple presentations that is part of the regularly established curriculum of an institution of higher education (it would);
- ◆ am clear that the offer was made to me neither as a result of my official position (it was not) nor by someone with whom I carry out my official duties (it was not);
- ◆ make no reference to my official position except as one of several biographic details given equal prominence; and
- ◆ does not draw substantially on ideas or official data that are nonpublic information (the course would not).

As required by the C.F.R., I hereby recuse myself from any decisions that may involve EPA contracts, grants, cooperative agreements, or other financial connections with FOIA EXL University.

I have met all of these conditions. By following them, I am complying with the outside employment conditions of 5 C.F.R. Part 2635. I therefore request your permission to teach this course and to receive compensation for them. I have provided space below for you to indicate

(E) Except as provided in paragraph (a)(2)(i)(E)(4) of this section, the subject of the activity deals in significant part with:

(1) Any matter to which the employee presently is assigned or to which the employee had been assigned during the previous one-year period; No [or]

(2) Any ongoing or announced policy, program or operation of the agency No, except in the broadest terms on the topic of Environmental and Natural Resource Economics.

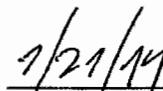
According to the Office of Government Ethics, the term "matter" is broader than "particular matter." OGE says a "matter" covers even the consideration or adoption of broad policy options that are directed to the interests of a large and diverse group of persons. Of course, the term also includes any particular matter or particular matter involving specific parties. However, I note that the ethics regulations also state: Section 2635.807(a)(2)(i)(E) does not preclude an employee ... from receiving compensation for teaching, speaking or writing on a subject within the employee's discipline or inherent area of expertise based on his educational background or experience even though the teaching, speaking or writing deals generally with a subject within the agency's areas of responsibility.

Finding:

I find that none of the salient restrictions apply to the request from FOIA exemption 6. Additionally, I find that this request contains no apparent conflict with any of the general principles outlined in 5 CFR part 2635. Therefore, I approve this request for seeking and accepting outside employment and find no inconsistencies with the Standards of Ethical Conduct to be present.



Christopher Grundler, Deputy Ethics Official, OTAQ



January 21, 2014

June 26th, 2013

MEMORANDUM

Subject: Request Permission to Teach a Course entitled "Environmental and Natural Resource Policy Analysis" at ~~FAERL~~ University

From: ~~FAERL~~ EXEMPTIONS

To: Chris Grundler, Deputy Director, OTAQ

I am writing to request your permission to teach a graduate-level course entitled "Environmental and Natural Resource Policy Analysis" at ~~FAERL~~ University this summer. The course will meet from July through the mid-August 2013 timeframe. The total compensation for the course is ~~FAERL~~. The course will meet outside of the times that I am working at the U.S. EPA and, thus, will not conflict with my official work schedule. All work related to the course will be done on private time. My understanding of EPA's conditions for outside employment are that I:

- ◆ receive permission from the Deputy Ethics Officer of OTAQ ;
- ◆ ensure that the work will not relate to my "official duties" under the definition in the C.F.R. (it would not); or ensure that it fits the exception in the C.F.R. which permits compensation for teaching a course requiring multiple presentations that is part of the regularly established curriculum of an institution of higher education (it would);
- ◆ am clear that the offer was made to me neither as a result of my official position (it was not) nor by someone with whom I carry out my official duties (it was not);
- ◆ make no reference to my official position except as one of several biographic details given equal prominence; and
- ◆ does not draw substantially on ideas or official data that are nonpublic information (the course would not).

As required by the C.F.R., I hereby recuse myself from any decisions that may involve EPA contracts, grants, cooperative agreements, or other financial connections with ~~FAERL~~ University.

I have met all of these conditions. By following them, I am complying with the outside employment conditions of 5 C.F.R. Part 2635. I therefore request your permission to teach this course and to receive compensation for them. I have provided space below for you to indicate your concurrence or non-concurrence with my request. Thank you for your attention to this matter.

Analysis of the Request:

Per §6401.103(c) "Standard for Approval", I have determined that the outside employment requested is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102. ~~FOIA EX~~ seeks to accept a short-term, part-time position teaching a class at ~~FOIA EX~~ University.

In considering whether ~~FOIA EX~~'s request meets the standard for approval, I evaluated the request vis-à-vis the appropriate laws and regulations.

Employees are generally prohibited from receiving compensation for teaching, speaking or writing that is related to official duties. See 5 CFR 2635.807. To determine whether the outside activity is related to official duties, I made determinations on the following areas of import to this request to determine if any were true; if so, then the employee cannot accept compensation:

(A) The activity is undertaken as part of the employee's official duties; No

B) The circumstances indicate that the invitation to engage in the activity was extended to the employee primarily because of his official position rather than his expertise on the particular subject matter; No

(C) The invitation to engage in the activity or the offer of compensation for the activity was extended to the employee, directly or indirectly, by a person who has interests that may be affected substantially by performance or nonperformance of the employee's official duties; No. Further, the employee has recused himself from any future, potential activity (grants, contracts, etc.) involving ~~FOIA EX~~ University.

(D) The information conveyed through the activity draws substantially on ideas or official data that are nonpublic information as defined in §2635.703(b) No; or

(E) Except as provided in paragraph (a)(2)(i)(E)(4) of this section, the subject of the activity deals in significant part with:

(1) Any matter to which the employee presently is assigned or to which the employee had been assigned during the previous one-year period; No [or]

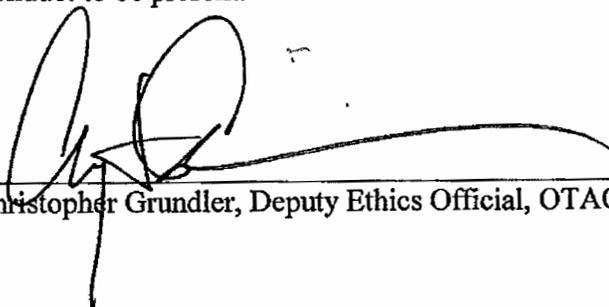
(2) Any ongoing or announced policy, program or operation of the agency No, except in the broadest terms on the topic of Environmental and Natural Resource Policy Analysis.

According to the Office of Government Ethics, the term "matter" is broader than "particular matter." OGE says a "matter" covers even the consideration or adoption of broad policy options that are directed to the interests of a large and diverse group of

persons. Of course, the term also includes any particular matter or particular matter involving specific parties. However, I note that the ethics regulations also state: Section 2635.807(a)(2)(i)(E) does not preclude an employee ... from receiving compensation for teaching, speaking or writing on a subject within the employee's discipline or inherent area of expertise based on his educational background or experience even though the teaching, speaking or writing deals generally with a subject within the agency's areas of responsibility.

Finding:

I find that none of the salient restrictions apply to the request from ~~for~~ <sup>an exemption</sup>. Additionally, I find that this request contains no apparent conflict with any of the general principles outlined in 5 CFR part 2635. Therefore, I approve this request for seeking and accepting outside employment and find no inconsistencies with the Standards of Ethical Conduct to be present.



---

Christopher Grundler, Deputy Ethics Official, OTAQ

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July 2, 2013



Analysis of the Request:

Per §6401.103(c) "Standard for Approval", I have determined that the outside employment requested is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102. ~~For exemption~~, seeks to gain approval for his outside activity serving as a volunteer associated with the Committee of Engineering Accreditation of the ~~FOIA EXEMPTION 4 EX. 4~~, a non-profit professional organization.

Andrew will visit one institution per year for the purposes of evaluating that institution's mechanical engineering program. The evaluation process includes ~40 hours of preparatory work and the actual on-site visit of 3 days. There will be no direct monetary compensation for this volunteer work, but Andrew be reimbursed for his actual travel expenses.

Employees are generally prohibited from receiving compensation for teaching, speaking or writing that is related to official duties. See 5 CFR 2635.807. To determine whether the outside activity is related to official duties, I made determinations on the following areas of import to this request to determine if any were true; if so, then the employee cannot accept compensation:

(A) The activity is undertaken as part of the employee's official duties; No

B) The circumstances indicate that the invitation to engage in the activity was extended to the employee primarily because of his official position rather than his expertise on the particular subject matter; No

(C) The invitation to engage in the activity or the offer of compensation for the activity was extended to the employee, directly or indirectly, by a person who has interests that may be affected substantially by performance or nonperformance of the employee's official duties; No.

(D) The information conveyed through the activity draws substantially on ideas or official data that are nonpublic information as defined in §2635.703(b) No; or

(E) Except as provided in paragraph (a)(2)(i)(E)(4) of this section, the subject of the activity deals in significant part with:

(1) Any matter to which the employee presently is assigned or to which the employee had been assigned during the previous one-year period; No [or]

(2) Any ongoing or announced policy, program or operation of the agency No.

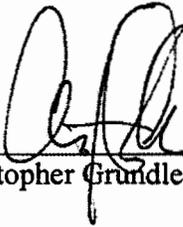
According to the Office of Government Ethics, the term "matter" is broader than "particular matter." OGE says a "matter" covers even the consideration or adoption of broad policy options that are directed to the interests of a large and diverse group of persons. Of course, the term also includes any particular matter or particular matter involving specific parties. However, I note that the ethics regulations also state: Section 2635.807(a)(2)(i)(E) does not preclude an employee ... from receiving compensation for teaching, speaking or writing on a subject within

the employee's discipline or inherent area of expertise based on his educational background or experience even though the teaching, speaking or writing deals generally with a subject within the agency's areas of responsibility.

Finding:

I find that none of the salient restrictions apply to the request from ~~FOR EXEMPTION~~  
Additionally, I find that this request contains no apparent conflict with any of the general principles outlined in 5 CFR part 2635. Therefore, I approve this request for seeking and accepting outside employment and find no inconsistencies with the Standards of Ethical Conduct to be present.

Andrew must report this activity and associated travel reimbursement on his annual Confidential Financial Disclosure form, Part III (Outside Positions) and Part V (Gifts and Travel Reimbursements).



Christopher Grundler, Deputy Ethics Official, OTAQ

3 June 2013

Analysis of the Request:

Per §6401.103(c) "Standard for Approval", I have determined that the outside employment requested is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102. FOIA EXEMPTION 6 seeks to gain approval for his outside activity serving as a volunteer associated with the Engineering Accreditation Commission of the Accreditation Board EX 6, a non-profit professional organization.

Andrew will visit one institution per year for the purposes of evaluating that institution's mechanical engineering program. The evaluation process includes ~40 hours of preparatory work and the actual on-site visit of 3 days. There will be no direct monetary compensation for this volunteer work, but Andrew be reimbursed for his actual travel expenses.

Employees are generally prohibited from receiving compensation for teaching, speaking or writing that is related to official duties. See 5 CFR 2635.807. To determine whether the outside activity is related to official duties, I made determinations on the following areas of import to this request to determine if any were true; if so, then the employee cannot accept compensation:

- (A) The activity is undertaken as part of the employee's official duties; No
- B) The circumstances indicate that the invitation to engage in the activity was extended to the employee primarily because of his official position rather than his expertise on the particular subject matter; No
- (C) The invitation to engage in the activity or the offer of compensation for the activity was extended to the employee, directly or indirectly, by a person who has interests that may be affected substantially by performance or nonperformance of the employee's official duties; No.
- (D) The information conveyed through the activity draws substantially on ideas or official data that are nonpublic information as defined in §2635.703(b) No; or
- (E) Except as provided in paragraph (a)(2)(i)(E)(4) of this section, the subject of the activity deals in significant part with:
  - (1) Any matter to which the employee presently is assigned or to which the employee had been assigned during the previous one-year period; No [or]
  - (2) Any ongoing or announced policy, program or operation of the agency No.

According to the Office of Government Ethics, the term "matter" is broader than "particular matter." OGE says a "matter" covers even the consideration or adoption of broad policy options that are directed to the interests of a large and diverse group of persons. Of course, the term also includes any particular matter or particular matter involving specific parties. However, I note that the ethics regulations also state: Section 2635.807(a)(2)(i)(E) does not preclude an employee ... from receiving compensation for teaching, speaking or writing on a subject within

the employee's discipline or inherent area of expertise based on his educational background or experience even though the teaching, speaking or writing deals generally with a subject within the agency's areas of responsibility.

Finding:

I find that none of the salient restrictions apply to the request from ~~FOIA exemption 6~~  
Additionally, I find that this request contains no apparent conflict with any of the general principles outlined in 5 CFR part 2635. Therefore, I approve this request for seeking and accepting outside employment and find no inconsistencies with the Standards of Ethical Conduct to be present.

Andrew must report this activity and associated travel reimbursement on his annual Confidential Financial Disclosure form, Part III (Outside Positions) and Part V (Gifts and Travel Reimbursements).



\_\_\_\_\_  
Christopher Grundler, Deputy Ethics Official, OTAQ

3 June 2013

June 22nd, 2012

MEMORANDUM

Subject: Request Permission to Teach a Course entitled "Environmental and Natural Resource Policy Analysis" at ~~FOIA EXL~~ University

From: ~~FOIA EXEMPTION 6~~

To: Chris Grundler, Deputy Director, OTAQ

I am writing to request your permission to teach a graduate-level course entitled "Environmental and Natural Resource Policy Analysis" at ~~FOIA EXL~~ University this summer. The course will meet from in the early July through the mid-August 2012 timeframe. The total compensation for the course is ~~FOIA EXL~~. The course will meet outside of the times that I am working at the U.S. EPA and, thus, will not conflict with my official work schedule. All work related to the course will be done on private time. My understanding of EPA's conditions for outside employment are that I:

- ◆ receive permission from the Deputy Ethics Officer of OTAQ ;
- ◆ ensure that the work will not relate to my "official duties" under the definition in the C.F.R. (it would not); or ensure that it fits the exception in the C.F.R. which permits compensation for teaching a course requiring multiple presentations that is part of the regularly established curriculum of an institution of higher education (it would);
- ◆ am clear that the offer was made to me neither as a result of my official position (it was not) nor by someone with whom I carry out my official duties (it was not);
- ◆ make no reference to my official position except as one of several biographic details given equal prominence; and
- ◆ does not draw substantially on ideas or official data that are nonpublic information (the course would not).

As required by the C.F.R., I hereby recuse myself from any decisions that may involve EPA contracts, grants, cooperative agreements, or other financial connections with ~~FOIA EXL~~ University.

I have met all of these conditions. By following them, I am complying with the outside employment conditions of 5 C.F.R. Part 2635. I therefore request your permission to teach this course and to receive compensation for them. I have provided space below for you to indicate your concurrence or non-concurrence with my request. Thank you for your attention to this matter.

cc: Karl Simon

Analysis of the Request:

Per §6401.103(c) "Standard for Approval", I have determined that the outside employment requested is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102. FOIA EX 6 seeks to accept a short-term, part-time position teaching a class at FOIA EX 6 University.

In considering whether FOIA EX 6's request meets the standard for approval, I evaluated the request vis-à-vis the appropriate laws and regulations.

Employees are generally prohibited from receiving compensation for teaching, speaking or writing that is related to official duties. See 5 CFR 2635.807. To determine whether the outside activity is related to official duties, I made determinations on the following areas of import to this request to determine if any were true; if so, then the employee cannot accept compensation:

(A) The activity is undertaken as part of the employee's official duties; No

B) The circumstances indicate that the invitation to engage in the activity was extended to the employee primarily because of his official position rather than his expertise on the particular subject matter; No

(C) The invitation to engage in the activity or the offer of compensation for the activity was extended to the employee, directly or indirectly, by a person who has interests that may be affected substantially by performance or nonperformance of the employee's official duties; No. Further, the employee has recused himself from any future, potential activity (grants, contracts, etc.) involving FOIA EX 6 University.

(D) The information conveyed through the activity draws substantially on ideas or official data that are nonpublic information as defined in §2635.703(b) No; or

(E) Except as provided in paragraph (a)(2)(i)(E)(4) of this section, the subject of the activity deals in significant part with:

(1) Any matter to which the employee presently is assigned or to which the employee had been assigned during the previous one-year period; No [or]

(2) Any ongoing or announced policy, program or operation of the agency No, except in the broadest terms on the topic of Environmental and Natural Resources Policy Analysis.

According to the Office of Government Ethics, the term "matter" is broader than "particular matter." OGE says a "matter" covers even the consideration or adoption of broad policy options that are directed to the interests of a large and diverse group of

persons. Of course, the term also includes any particular matter or particular matter involving specific parties. However, I note that the ethics regulations also state: Section 2635.807(a)(2)(i)(E) does not preclude an employee ... from receiving compensation for teaching, speaking or writing on a subject within the employee's discipline or inherent area of expertise based on his educational background or experience even though the teaching, speaking or writing deals generally with a subject within the agency's areas of responsibility.

Finding:

I find that none of the salient restrictions apply to the request from ~~for an~~ <sup>EXEMPTION</sup> Additionally, I find that this request contains no apparent conflict with any of the general principles outlined in 5 CFR part 2635. Therefore, I approve this request for seeking and accepting outside employment and find no inconsistencies with the Standards of Ethical Conduct to be present.

  
\_\_\_\_\_  
Christopher Grundler, Deputy Ethics Official, OTAQ

6-25-12  
June 25, 2012



January 20th, 2012

**MEMORANDUM**

Subject: Request Permission to Teach a Course entitled "Transportation Policy and Smart Growth" at FOIA EXL University

From: FOIA EXEMPTION 6

To: Chris Grundler, Deputy Director, OTAQ

I am writing to request your permission to teach a graduate-level course entitled "Transportation Policy and Smart Growth" at FOIA EXL University this Spring. The course will meet from in the late January– early May 2012 timeframe. The total compensation for the course is \$ EXL. The course will meet outside of the times that I am working at the U.S. EPA and, thus, will not conflict with my official work schedule. All work related to the course will be done on private time. My understanding of EPA's conditions for outside employment are that I:

- ◆ receive permission from the Deputy Ethics Officer of OTAQ ;
- ◆ ensure that the work will not relate to my "official duties" under the definition in the C.F.R. (it would not); or ensure that it fits the exception in the C.F.R. which permits compensation for teaching a course requiring multiple presentations that is part of the regularly established curriculum of an institution of higher education (it would);
- ◆ am clear that the offer was made to me neither as a result of my official position (it was not) nor by someone with whom I carry out my official duties (it was not);
- ◆ make no reference to my official position except as one of several biographic details given equal prominence; and
- ◆ does not draw substantially on ideas or official data that are nonpublic information (the course would not).

As required by the C.F.R., I hereby recuse myself from any decisions that may involve EPA contracts, grants, cooperative agreements, or other financial connections with FOIA EXL University.

I have met all of these conditions. By following them, I am complying with the outside employment conditions of 5 C.F.R. Part 2635. I therefore request your permission to teach this course and to receive compensation for them. I have provided space below for you to indicate your concurrence or non-concurrence with my request. Thank you for your attention to this matter.

cc: Benjamin Hengst

Analysis of the Request:

Per §6401.103(c) "Standard for Approval", I have determined that the outside employment requested is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102. FOIA EXC seeks to accept a short-term, part-time position teaching a class at FOIA EXC university.

In considering whether FOIA EXC's request meets the standard for approval, I evaluated the request vis-à-vis the appropriate laws and regulations.

Employees are generally prohibited from receiving compensation for teaching, speaking or writing that is related to official duties. See 5 CFR 2635.807. To determine whether the outside activity is related to official duties, I made determinations on the following areas of import to this request to determine if any were true; if so, then the employee cannot accept compensation:

(A) The activity is undertaken as part of the employee's official duties; No

B) The circumstances indicate that the invitation to engage in the activity was extended to the employee primarily because of his official position rather than his expertise on the particular subject matter; No

(C) The invitation to engage in the activity or the offer of compensation for the activity was extended to the employee, directly or indirectly, by a person who has interests that may be affected substantially by performance or nonperformance of the employee's official duties; No. Further, the employee has recused himself from any future, potential activity (grants, contracts, etc.) involving FOIA EXC University.

(D) The information conveyed through the activity draws substantially on ideas or official data that are nonpublic information as defined in §2635.703(b) No; or

(E) Except as provided in paragraph (a)(2)(i)(E)(4) of this section, the subject of the activity deals in significant part with:

(1) Any matter to which the employee presently is assigned or to which the employee had been assigned during the previous one-year period; No [or]

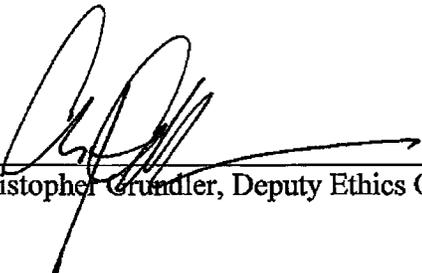
(2) Any ongoing or announced policy, program or operation of the agency No, except in the broadest terms on the topic of Transportation Policy and Smart Growth.

According to the Office of Government Ethics, the term "matter" is broader than "particular matter." OGE says a "matter" covers even the consideration or adoption of broad policy options that are directed to the interests of a large and diverse group of persons. Of course, the term also includes any particular matter or particular matter

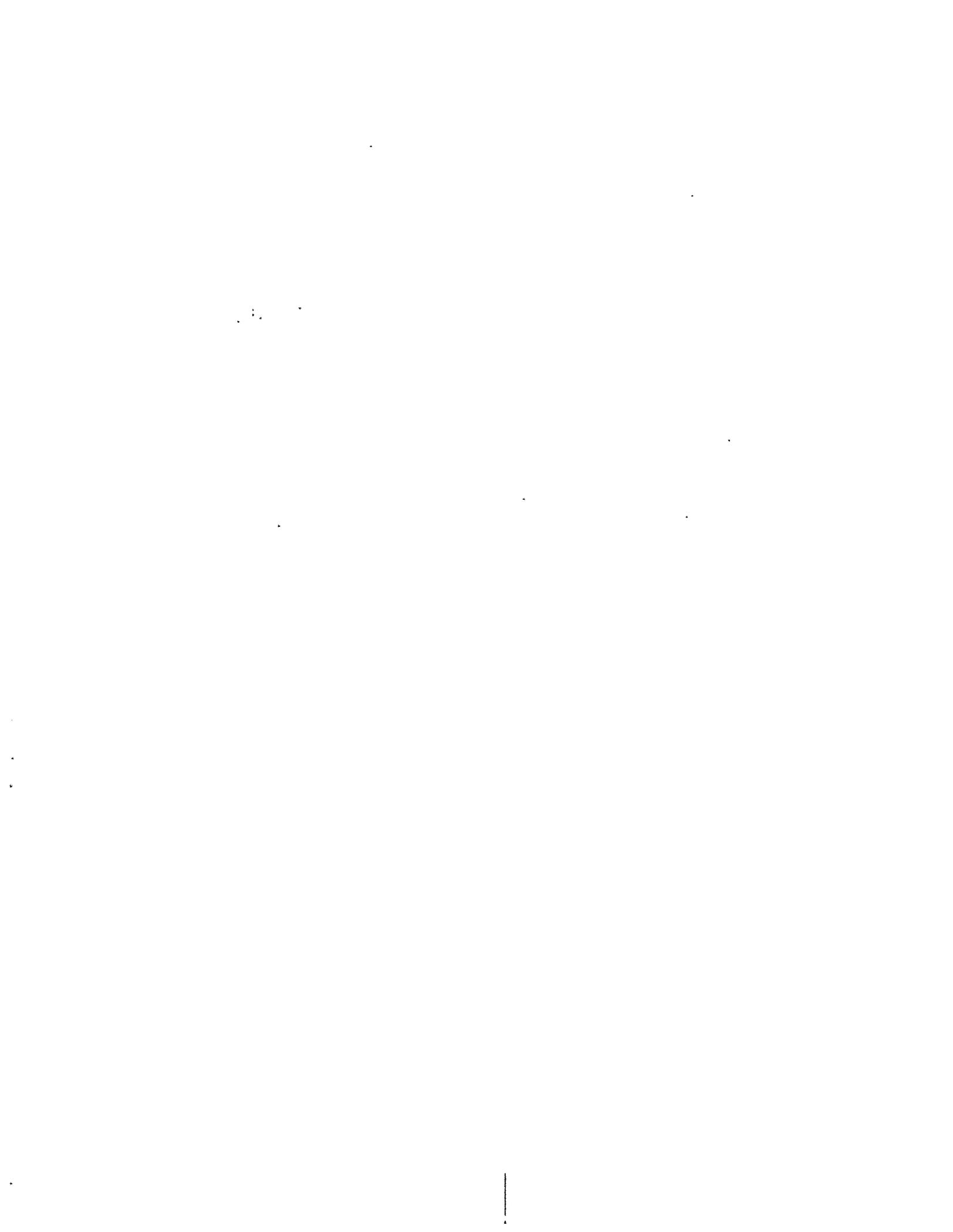
involving specific parties. However, I note that the ethics regulations also state: Section 2635.807(a)(2)(i)(E) does not preclude an employee ... from receiving compensation for teaching, speaking or writing on a subject within the employee's discipline or inherent area of expertise based on his educational background or experience even though the teaching, speaking or writing deals generally with a subject within the agency's areas of responsibility.

Finding:

I find that none of the salient restrictions apply to the request from ~~FOIA~~ <sup>FOIA</sup>. Additionally, I find that this request contains no apparent conflict with any of the general principles outlined in 5 CFR part 2635. Therefore, I approve this request for seeking and accepting outside employment and find no inconsistencies with the Standards of Ethical Conduct to be present.

  
\_\_\_\_\_  
Christopher Grundler, Deputy Ethics Official, OTAQ

1/23/2012  
January 23, 2012



September 3<sup>rd</sup>, 2013

MEMORANDUM

Subject: Request Permission to Teach a Course entitled "Environmental and Resource Economics" at FOIA EX University

From: FOIA exemption 6

To: Chris Grundler, Office Director, OTAQ

I am writing to request your permission to teach a graduate-level course entitled "Environmental and Resource Economics" at FOIA EX University this Fall. The course will meet from in mid- September through the mid-December 2013 timeframe. The total compensation for the course is EX. The course will meet outside of the times that I am working at the U.S. EPA and, thus, will not conflict with my official work schedule. All work related to the course will be done on private time.

My understanding of EPA's conditions for outside employment are that I:

- ◆ receive permission from the Deputy Ethics Officer of OTAQ ;
- ◆ ensure that the work will not relate to my "official duties" under the definition in the C.F.R. (it would not); or ensure that it fits the exception in the C.F.R. which permits compensation for teaching a course requiring multiple presentations that is part of the regularly established curriculum of an institution of higher education (it would);
- ◆ am clear that the offer was made to me neither as a result of my official position (it was not) nor by someone with whom I carry out my official duties (it was not);
- ◆ make no reference to my official position except as one of several biographic details given equal prominence; and
- ◆ does not draw substantially on ideas or official data that are nonpublic information (the course would not).

As required by the C.F.R., I hereby recuse myself from any decisions that may involve EPA contracts, grants, cooperative agreements, or other financial connections with FOIA EX University.

I have met all of these conditions. By following them, I am complying with the outside employment conditions of 5 C.F.R. Part 2635. I therefore request your permission to teach this course and to receive compensation for them. I have provided space below for you to indicate

your concurrence or non-concurrence with my request. Thank you for your attention to this matter.

\_\_\_\_\_  
Approved

\_\_\_\_\_  
Disapproved

Chris Grundler  
Deputy Ethics Officer, OTAQ

cc: Karl Simon  
Tracey Bradish

Analysis of the Request:

Per §6401.103(c) "Standard for Approval", I have determined that the outside employment requested is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102. ~~FOIA EXC~~ seeks to accept a short-term, part-time position teaching a class at ~~FOIA EXC~~ University.

In considering whether ~~FOIA EXC~~'s request meets the standard for approval, I evaluated the request vis-à-vis the appropriate laws and regulations.

Employees are generally prohibited from receiving compensation for teaching, speaking or writing that is related to official duties. See 5 CFR 2635.807. To determine whether the outside activity is related to official duties, I made determinations on the following areas of import to this request to determine if any were true; if so, then the employee cannot accept compensation:

- (A) The activity is undertaken as part of the employee's official duties; No
- B) The circumstances indicate that the invitation to engage in the activity was extended to the employee primarily because of his official position rather than his expertise on the particular subject matter; No
- (C) The invitation to engage in the activity or the offer of compensation for the activity was extended to the employee, directly or indirectly, by a person who has interests that may be affected substantially by performance or nonperformance of the employee's official duties; No. Further, the employee has recused himself from any future, potential activity (grants, contracts, etc.) involving ~~FOIA EXC~~ University.
- (D) The information conveyed through the activity draws substantially on ideas or official data that are nonpublic information as defined in §2635.703(b) No; or

(E) Except as provided in paragraph (a)(2)(i)(E)(4) of this section, the subject of the activity deals in significant part with:

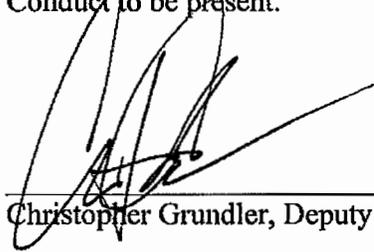
(1) Any matter to which the employee presently is assigned or to which the employee had been assigned during the previous one-year period; No [or]

(2) Any ongoing or announced policy, program or operation of the agency No, except in the broadest terms on the topic of Environmental and Resource Economics.

According to the Office of Government Ethics, the term "matter" is broader than "particular matter." OGE says a "matter" covers even the consideration or adoption of broad policy options that are directed to the interests of a large and diverse group of persons. Of course, the term also includes any particular matter or particular matter involving specific parties. However, I note that the ethics regulations also state: Section 2635.807(a)(2)(i)(E) does not preclude an employee ... from receiving compensation for teaching, speaking or writing on a subject within the employee's discipline or inherent area of expertise based on his educational background or experience even though the teaching, speaking or writing deals generally with a subject within the agency's areas of responsibility.

Finding:

I find that none of the salient restrictions apply to the request from ~~FOIA~~ <sup>FOIA EXEMPTION 6</sup>. Additionally, I find that this request contains no apparent conflict with any of the general principles outlined in 5 CFR part 2635. Therefore, I approve this request for seeking and accepting outside employment and find no inconsistencies with the Standards of Ethical Conduct to be present.

  
\_\_\_\_\_  
Christopher Grundler, Deputy Ethics Official, OTAQ

9-16-13  
September 11, 2013





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF ENFORCEMENT  
AND COMPLIANCE ASSURANCE

April 5, 2010

**MEMORANDUM**

**SUBJECT:** Approval of Request to Accept Outside Employment

**FROM:** Jonathan S. Cole, Associate Director  
Deputy Ethics Official  
Office of Criminal Enforcement, Forensics and Training

A handwritten signature in black ink, appearing to read "Jonathan S. Cole".

**TO:** FOIA ~~ex. 6~~ Special Agent In Charge  
Philadelphia Area Office, CID

You have requested approval for outside employment in accordance with 5 CFR §6401.103, to teach for a fee a Seminar on Environmental Crimes on environmental crimes/ investigative methodologies, at FOIA ~~ex. 6~~ University. You previously were approved by OCEFT to teach this course in 1995 and each year since 1997. This course was designed by you to introduce law enforcement, fire safety, private security and safety officials, and environmental consultants, etc., to environmental crimes and the various investigative methodologies utilized in successful prosecutions of same.

You indicate that the course meets for 5 days, 8 hours per day. The course will take place on Thursday, June 2- Saturday, June 4, 2011, and Friday and Saturday, June 17-18, 2011. You will be compensated at a total payment of approximately \$ ~~EXL~~ and you propose to take annual leave from EPA during your time out of the office to teach the course.

You have indicated that, consistent with the requests and conditions of approval for prior deliveries of this course, no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment, and that you will not be employed pursuant to an EPA contract or grant.

I am approving your request to accept this outside employment and conduct it in accordance with the applicable rules and regulations concerning outside employment, and with the following cautions and conditions.

The Office of General Counsel (OGC) has in similar situations noted certain issues concerning the formats of the course syllabus, which should guide you in teaching the course. The first issue relates to the use of your official title. OGC advises that you may use your current title,

but that in order to comply with ethics guidelines, you should not make it (or the official title of any other EPA employees who may speak to the class) a primary drawing point for the course. For example, in the syllabus you can state your title, but it should not be in an overly prominent place (a footnote with titles would be appropriate). The course description and syllabus (and any articles which may be written in connection with the course) must contain a disclaimer (which may also be in a footnote) that the views expressed are the personal views of the teacher, and do not represent the position of the U.S. EPA.

A second area to be aware of is that the course not deal in significant part with the policies, programs or operations of EPA, or any matter to which the employee is presently assigned or to which the employee has been assigned during the previous one-year period. 5 CFR 6401.103. In order to comply with this limitation, you should ensure that the course deals with the subject generally and does not focus particularly and significantly on issues that are currently being considered by EPA or to which you've been assigned or responsible during the past year.

You (and any EPA employees who may speak to the class) also must commit to convey only publicly available information, and to not discuss the details of your or their own cases, or reveal EPA investigative processes or methods. In addition, no official duty time, Government property, resources, or facilities not available to the general public may be used in connection with the outside employment.

If you have any questions concerning this memorandum or the issues discussed, please contact me at (202) 564-2533.

cc: Daniel Horgan



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF ENFORCEMENT  
AND COMPLIANCE ASSURANCE

April 8, 2010

**MEMORANDUM**

SUBJECT: Approval of Request to Accept Outside Employment

FROM: Jonathan S. Cole, Associate Director   
Office of Criminal Enforcement, Forensics and Training

TO: ~~FOIA exemption 6~~ Special Agent In Charge  
Philadelphia Area Office, CID

You have requested approval for outside employment in accordance with 5 CFR §6401.103, to teach for a fee a Master's degree level Seminar on Environmental Crimes on environmental crimes/investigative methodologies, at ~~FOIA EX~~ University, ~~FOIA EXEMPTION 6~~

You previously were approved by OCEFT to teach this course in 1995 and each year since 1997. This course was designed by you to introduce law enforcement, fire safety, private security and safety officials, and environmental consultants, etc., to environmental crimes and the various investigative methodologies utilized in successful prosecutions of same.

You indicate that the course will take place on Thursday, June 3- Saturday, June 5, 2010, and Friday and Saturday, June 18-19, 2010. You will be compensated at a total payment of approximately \$ ~~EX~~ and you propose to take annual leave from EPA for a total of three days to teach the course.

You have indicated that, consistent with the requests and conditions of approval for prior deliveries of this course, no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment, and that you will not be employed pursuant to an EPA contract or grant.

I am approving your request to accept this outside employment and conduct it in accordance with the applicable rules and regulations concerning outside employment, and with the following cautions and conditions.

The Office of General Counsel (OGC) has in similar situations noted certain issues concerning the formats of the course syllabus, which should guide you in teaching the course. The first issue relates to the use of your official title. OGC advises that you may use your current title, but that in order to comply with ethics guidelines, you should not make it (or the official title of any

other EPA employees who may speak to the class) a primary drawing point for the course. For example, in the syllabus you can state your title, but it should not be in an overly prominent place (a footnote with titles would be appropriate). The course description and syllabus (and any articles which may be written in connection with the course) must contain a disclaimer (which may also be in a footnote) that the views expressed are the personal views of the teacher, and do not represent the position of the U.S. EPA.

A second area to be aware of is that the course not deal in significant part with the policies, programs or operations of EPA, or any matter to which the employee is presently assigned or to which the employee has been assigned during the previous one-year period. 5 CFR 6401.103. In order to comply with this limitation, you should ensure that the course deals with the subject generally and does not focus particularly and significantly on issues that are currently being considered by EPA.

You (and any EPA employees who may speak to the class) also must commit to convey only publicly available information, and to not discuss the details of your or their own cases, or reveal EPA investigative processes or methods. In addition, no official duty time, Government property, resources, or facilities not available to the general public may be used in connection with the outside employment.

If you have any questions concerning this memorandum or the issues discussed, please contact me at (202) 564-2533.

cc: Becky Barnes



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
CRIMINAL INVESTIGATION DIVISION  
PHILADELPHIA AREA OFFICE  
1650 ARCH STREET  
PHILADELPHIA, PA 19103-2029

August 5, 2008

**MEMORANDUM**

**SUBJECT:** Approval Request to Accept Outside Employment

**FROM:** FOIA exemption b  
Special Agent in Charge  
Philadelphia Area Office

**THRU:** Ella Barnes  
Director  
Criminal Investigation Division

**TO:** Ellen C. Stough  
Acting Director  
Office of Criminal Enforcement,  
Forensics & Training

This agent respectfully requests permission to teach for a fee an Undergraduate level Criminal Justice course on Environmental Crime at FOIA exemption b College. FOIA exemption b

This particular undergraduate course was designed by this agent to introduce environmental crime and the various investigative methodologies to undergraduates majoring in Criminal Justice. The course meets every Wednesday/Friday from 8:00am to 9:30am commencing Monday, August 25<sup>th</sup> and ending Friday, December 5<sup>th</sup>. I will be taking annual leave to cover my time outside the office. At no time will this impact my duties and responsibilities as Special Agent in Charge for the Philadelphia Area Office; Contingencies have been made when my job requires me to miss class.

Attached is a formal letter dated 8-7-98 received from OCEFT after making a similar request to teach an undergraduate course in said subject matter at the FOIA exemption b Community College. FOIA exemption b. Please note the enumerated facts attached to this letter surrounding teaching the aforementioned course as these also apply to the course I will teach at FOIA exemption b College. This agent will abide to all the conditions as set forth in the letter. Also attached is a memorandum from Director Murtha (undated) granting permission for outside employment.

3 Attachments

example, in the syllabus you can state your title, but it should not be in an overly prominent place (a footnote with titles would be appropriate). The course description and syllabus (and any articles which may be written in connection with the course) must contain a disclaimer (which may also be in a footnote) that the views expressed are the personal views of the teacher, and do not represent the position of the U.S. EPA.

A second area that OGC advises that you must be aware of, is that the course not deal in significant part with the policies, programs or operations of EPA or any matter to which the employee is presently assigned or to which the employee has been assigned during the previous one-year period. 5 CFR 6401.103. In order to comply with this limitation, you should ensure that the course deals with the subject generally and does not focus particularly and significantly on issues that are currently being considered by EPA

You (and any EPA employees who may speak to the class) also must commit to convey only publicly available information, and to not discuss the details of your or their own cases, or reveal EPA investigative processes or methods. In addition, no official duty time or Government property, resources, or facilities not available to the general public may be used in connection with the outside employment.

If you have any questions concerning this memorandum or the issues discussed, please contact Jonathan S. Cole, Associate Director (Asst. Deputy Ethics Official), OCEFT, at (202) 564-2533.

cc: Jonathan S. Cole  
Ellen C. Stough  
Becky Barnes

official title or position to identify him in connection with his teaching, speaking or writing activity or to promote any book seminar, course, program or similar undertaking . . .

*Example:* A meteorologist employed with the National Oceanic and Atmospheric Administration is asked by a local university to teach a graduate course on hurricanes. The university may include the meteorologist's Government title and position together with other information about his education and previous employment in the course materials setting forth biographical data on all teachers involved in the graduate program. However, his title or position may not be used to promote the course, for example, by featuring the meteorologist's Government title, Senior Meteorologist, NOAA, in bold type under his name. In contrast, his title may be used in this manner when the meteorologist is authorized by NOAA to speak in his official capacity.

You are, therefore, granted permission to engage in the teaching activity you described in your July 28 note. You are reminded, also as stated in your note, that the teaching assignment should not conflict or interfere with your official duties and responsibilities.

Sincerely,



Richard S. Trinidad  
Associate Director  
Office of Criminal Enforcement, Forensics and  
Training

CC: Assistant Director - CID  
SAC- Denver

July 28, 1998

Mr. FOIA EXC

Pursuant to our telephone conversation, I have listed the below facts surrounding my request to teach a general course in environmental crimes/investigation methodologies for a fee at the FOIA EXC Community College FOIA EXC

- Course is being taught at a regularly used off-site for EXC ated at the EXC State Police Academy
- Course is an undergraduate course that is part of an Associate Degree Program in Criminal Justice
- Course can also be counted as an "in service" course for law enforcement personnel. They are required to take so many "in service" courses per year, similar to requirements by State Bar Association requiring lawyers take so many Continuing Education/Learning Units per year
- EXC Community College is an accredited institution
- Course is NOT part of any police officer certification program

At no times during this course presentation will I be representing USEPA and will ensure the views I portray will be represented as my own.

It is anticipated that the above course will be held once a week in the evening for approximately 10 weeks. I have been given the flexibility to reschedule class times as needed in order to meet my responsibilities with EPA-CID. This course WILL NOT interfere with my day to day duties as the Resident Agent in Charge of the FOIA EXC Resident Agency.

[MODEL REQUEST FOR APPROVAL OF OUTSIDE EMPLOYMENT/ACTIVITY]

MEMORANDUM

SUBJECT: Request for Approval for Outside *Employment/Activity* pursuant to 5 CFR 6401.103.

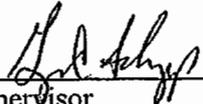
FROM: FOIA EXEMPTIONS FOIA EXEMPTIONS 3/20/08  
Chemist/1320/14 *ell*

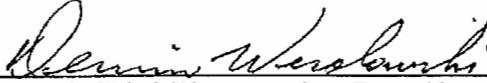
THRU: George Schupp *G. Schupp 3/20/2008*  
Deputy Director Chicago Regional Laboratory

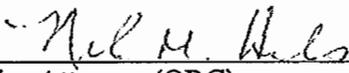
TO: Bharat Mathur  
Deputy Ethics Official  
Region 5

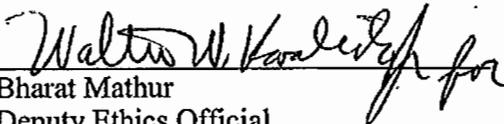
Pursuant to 5 CFR 6401.103, I hereby request approval for outside employment and state the following in support of this request.

1. The nature of the outside activity, including a full description of the services to be performed: Adjunct Professor at FOIA EXC University teaching one credit hour Organic Laboratory courses.
2. The name and business of the person or organization for which the work will be done: FOIA EXC University FOIA EXEMPTIONS
3. The estimated amount of time to be devoted to the activity: 6 class hours per week during the semester. Total Time with preparation and grading- 10 hours.
4. The amount of compensation expected: Approximately \$2,500 per class per semester. Last year the total pay from Benedictine was under \$ EXC
5. The basis for compensation (e.g., fee, per diem, per annum, etc.): Per class per semester.
6. The service will be performed entirely outside of normal duty hours
7. The person to or for whom services would be provided does not hold any EPA assistance agreements or contracts.  
None
8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.
9. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.

Approved by  Date: 3/20/2008  
Supervisor

Approved by  Date: 3/20/08  
Branch Chief (If you are in a Branch).

Concurred by  Date: 3/25/08  
Ethics Attorney (ORC)

Approved by  Date: 3/26/08  
Bharat Mathur  
Deputy Ethics Official  
Region 5

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and 6401.102, as required by 5 CFR 6401.103.

2008  
Ethics file

Jamie  
Burnett/DC/USEPA/US  
01/10/2008 06:52 PM

To ~~FOIA EXC R1~~/USEPA/US@EPA  
cc George Wyeth/DC/USEPA/US@EPA, Betsy  
Shaw/DC/USEPA/US@EPA  
bcc  
Subject Re: approval for outside activity

*Outside  
employment/  
leave*

This looks good to me. Just let me know if anything changes.

Jamie

Jamie Burnett  
(202) 566-2205  
(202) 566-2200 Fax  
burnett.jamie@epa.gov

~~FOIA EXC~~ R1/USEPA/US

~~FOIA EXC~~ R1/USEPA/US  
01/08/2008 05:03 PM

To George Wyeth/DC/USEPA/US@EPA, Jamie  
Burnett/DC/USEPA/US@EPA  
cc  
Subject approval for outside activity

Jamie and George - I am requesting approval to participate in the outside activity described below.  
Please let me know if you need any other information.  
Beth

- ~~FOIA EXC~~ R1/USEPA/US, Attorney Advisor, GS-14
- Co-teaching a non-credit, two day course on the Environmental Results Program (ERP) on January 14 and 15, 2008. This training course will: (1) explain the need for ERP within the current environmental policy framework; (2) present how the multiple parts of this sophisticated strategy work together; (3) offer hands-on skill building in basic ERP-style statistical approaches; and (4) involve students in thinking about new applications for the approach, within and outside of the environmental arena—and even outside of the U.S. I will be presenting with ~~FOIA EXC~~ a consultant, ~~FOIA EXC~~ and ~~FOIA EXC~~.
- The course will be offered during the Independent Activities Period at the ~~FOIA EXC~~ Urban Studies and Planning Department.
- I will not be accepting any compensation for this activity. I will conduct this activity outside of my official duty time and take annual leave, as appropriate, estimated to be approximately 10 hours.

- No official duty time or Government property, resources, or facilities available to the general public will be used in connection with the outside employment, except to the extent that I will use government materials and information developed during the normal course of my official duty (e.g. ERP Results Report).
- I am not aware of any EPA assistance agreements or contracts held by EXC or any person to or for whom services would be provided.

FOIA EXEMPTION 6

Office of Policy, Economics, and Innovation and  
Office of Environmental Stewardship  
U.S. Environmental Protection Agency  
One Congress St., Ste. 1100 (SPP)  
Boston MA 02114-2023  
FOIA EXC 6 Fax: 617-918-1809



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Office of Sustainable Communities

Office of Policy

**MEMORANDUM**

**DATE:** May 13, 2013

**SUBJECT:** Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity

**FROM:** *FOIA exemption*, Director  
Community Assistance and Research Division (MC1807T)

**TO:** John Frece  
Deputy Ethics Official

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initialing or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

1) Employee's name *FOIA exemption*  
title and grade: **Director, Community Assistance and Research Division, GS 15**

2) Nature of the outside activity, including a full description of the services to be performed— **Teach two graduate level urban planning courses (Fall 2013 and Spring 2014)**

and the amount of compensation to be expected; \*\* \$ *EXC* per course

3) The name and business of the person or organization for which the work will be done *FOIA exemption* **University, College of Professional Studies**

4) The estimated time (hours/days) to be devoted to the activity: (Please indicate exact dates if known.) **8 to 10 hours per week**

5) Whether the service will be performed entirely outside of normal duty hours (yes or no) **Yes**

6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.): **per course**

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered—if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.) **None within the EPA Office of Sustainable Communities**

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an **officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker**. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

#### 1) **EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401:

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position*.

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information: the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

FOIA EXEMPTIONS  
Employee's signature \_\_\_\_\_ Date 5/13/13

2) **DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL Jahid Frey \_\_\_\_\_ Date 5/13/13

DISAPPROVAL \_\_\_\_\_ Date \_\_\_\_\_



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Office of Sustainable Communities

Office of Policy

**MEMORANDUM**

**DATE:** May 11, 2011

**SUBJECT:** Request for Approval to Engage in Outside Employment\*  
or Other Outside Activity

**FROM:** FOIA EXEMPTION Director  
Community Assistance and Research Division (MC1807T)

**TO:** John Frece  
Deputy Ethics Official

As required by C.F.R. Title 5 Chapter LIV Part 6401.103, I am requesting your approval to participate in the outside employment/activity described below. I understand that this approval must be obtained in advance of initiating or committing to the performance of this activity and is approved only as specified in the information given below or for a period of five years.

Approval shall be granted in writing and only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and § 6401.102.

- 1) Employee's name: FOIA EXEMPTION  
title and grade: **Director, Community Assistance and Research Division, GS 15**
- 2) Nature of the outside activity, including a full description of the services to be performed— **Teach two graduate level urban planning courses (Fall 2011 and Spring 2012)**  
and the amount of compensation to be expected; \*\* \$ 600 per course
- 3) The name and business of the person or organization for which the work will be done - FOIA EXEMPTION University, College of Professional Studies

4) The estimated time (hours/days) to be devoted to the activity; (Please indicate exact dates if known.) **8 to 10 hours per week**

5) Whether the service will be performed entirely outside of normal duty hours (yes or no) **Yes**

6) The basis for compensation (e.g., fee, per hour, per diem, per annum, etc.): **per course**

7) Identification of any assistance agreements or contracts held by the person to or for whom services will be provided. (Must be answered—if not known by employee, please state so; if agreements or contracts are known, indicate the employee's involvement, if any.) **None within the EPA Office of Sustainable Communities**

\* Employment means any form of non-Federal employment, business relationship, or activity involving the provision of personal services by the employee, whether or not for compensation. It includes but is not limited to personal services as an **officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker**. It includes writing when done under an arrangement with another person for production or publication of the written product. It does not, however, include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organization, unless activities are for compensation other than reimbursement for expenses.

\*\*Compensation includes any form of consideration, remuneration or income, including royalties, given for or in connection with employee's speaking or writing activities. Unless accepted under specific statutory authority, such as 31 U.S.C. 1353, 5 U.S.C. 4111 or 7342, or an agency gift acceptance statute, it includes transportation, lodging and meals, whether provided in kind, by purchase of a ticket, by payment, in advance or by reimbursement after the expense has been incurred.

#### 1) **EMPLOYEE CERTIFICATION**

a) I certify that the information contained in this request is complete and accurate and that I have provided all the information pertinent for the Deputy Ethics Official to make an informed decision on this matter.

b) I certify that I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. parts 2635 and § 6401;

c) I certify that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment/activity (unless otherwise stated above.)

d) I certify that if there is a change in the scope of the duties or services performed or the nature of my business, I will submit a revised request for approval.

e) I certify that I will not represent EPA nor will I use my official EPA title, except as in a list of biographical information, in which case my EPA title is given no more prominence than other significant biological details.

**For teaching, speaking or writing, also include the following certifications:**

f) I certify that the invitation to engage in this activity was extended to me primarily because of my expertise in this particular subject matter and *not because of my official position*.

g) I certify that the invitation to engage in this activity or the offer of compensation was *not* extended to me, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of my duties.

h) I certify that the information conveyed through this activity does not draw substantially on ideas or official data that are nonpublic information; the subject does not deal in significant part with any matter to which I am currently assigned (working on as an EPA employee) or have been assigned during the previous one-year period or any ongoing or announced policy, program, or operation of the agency.

i) I certify that I will not use or permit the use of my official title or position to identify me in connection with this activity or to promote any book, seminar, course, program or similar undertaking except as one of several biographical details in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer indicating that the views expressed do not necessarily represent the views of the agency or the US.

FOIA exemptions  
Employee's signature \_\_\_\_\_ Date 5/13/11

**2) DEPUTY ETHICS OFFICIAL APPROVAL**

APPROVAL  Date 5/17/11

DISAPPROVAL \_\_\_\_\_ Date \_\_\_\_\_



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG - 7 2012

OFFICE OF  
ENVIRONMENTAL INFORMATION

**MEMORANDUM**

**SUBJECT:** Request for Approval of Outside Activity to Serve on an Advisory Board

**FROM:** FOIA Exempt, Senior Analyst [on Detail to FOIA Exempt University FOIA Exempt]

**TO:** Renee Wynn,  
Deputy Ethics Official

This memorandum request your approval to accept an Advisory Board position with EX-6 (EX-6), an Energy Production firm operating since 2010 and registered in the State of Delaware. I have been nominated for appointment to the Advisory Board because of my background in environmental policy, my analytic capabilities as evidenced in my doctoral degree and speaking/publications record in political science, and my experience with DOD and the military. I will not serve as a representative of EPA or the United States Government, nor will I serve as an officer or director of the company or on their Board of Directors. Instead, my role will be to serve in an advisory position only.

**Activity**

EX-6, a small and rather new company, is striving to design and demonstrate "green" energy solutions for US military installations. As a member of the Advisory Board, I will provide advice about environmental compliance so that the company can successfully build and sustain a good record for providing "green" technology. I will not represent EX-6 back to the United States Government in any way nor will I share any non-public information.

**Use of Time, Materials and Compensation**

I expect to spend no more than 5-10 hours/week on these activities, all of which will occur after working hours, on weekends or using compensatory time or annual leave. No EPA or American University property/equipment will be used for this effort. If my acceptance of the position is approved, I will conduct FOIA Exempt activities at home, using my personal computer/phone and materials. If FOIA Exempt opens a local office (currently under consideration), I would use their equipment whenever I am in their offices. The terms of compensation have not yet been negotiated, but one possibility is for some shares of company stock, whose value has not been established, since this is a privately held company.

**Conflict of Interest**

I have been assured that there are no current or projected EPA assistance agreements or contracts that will be initiated with ~~FORN EXEMPTED~~ I recognize that government ethics requirements extend beyond what one actually does and cover the appearance of one's actions as well, i.e., perceived as well as actual conflicts of interest. In no circumstances would I represent myself as an EPA employee while working for ~~FORN EX~~. I would not undertake any activity for ~~FORN EX~~ that could lead to a real or perceived conflict of interest. The activities would be conducted separately from my EPA (and ~~ENV~~) duties, and outside of my EPA business hours.

As required by EPA and federal ethics rules, I request your approval to allow me to join the ~~FORN EX~~ Advisory Board. Unless the scope of conditions change, the approval would be good for 5 years.

Approve:

 8/13/12

Not Approved: \_\_\_\_\_

**MEMORANDUM**

**SUBJECT:** Request for Approval to Engage in Outside Employment

**FROM:** FOIA EXEMPTIONS, Team Leader,  
Environmental Protection Specialist  
Quality Staff, Office of Environmental Information

**TO:** Michael P. Flynn, Deputy Ethics Official  
Office of Environmental Information

**THROUGH:** Reggie Cheatham, Director  
Quality Staff, Office of Environmental Information

As required by the EPA supplemental ethics regulations, I am submitting this request for your approval to engage in outside employment. In order for you to make your decision, I submit the following:

Employee's Name, Title and Grade:

FOIA EXEMPTIONS Team Leader, Environmental Protection Specialist, GS-15

Nature of the Outside Activity: Describe your outside activity

Market financial products and services

Name of business or profession: If self employment, indicate type of business and estimate the number of clients or customers anticipated during the next 6 months.

- o Name of Business - FOIA EXEMPTIONS
- o Estimate of number of clients - at least 30 new clients in the next six months

Amount of compensation expected and basis of compensation (e.g., fee, per diem, per annum, etc):

Anticipate commissions of at least \$ 6 month

Estimated time devoted to this activity:

Approximately 10 hours/week

Indicate whether the activity will be performed entirely outside of normal duty hours: If not, estimate the number of hours of absence from work required.

Activities will be performed outside of normal duty hours

I will use no official duty time, Government property, resources, or facilities not available to the general public to conduct this activity.

I have read and am familiar with and will abide by the restrictions described in 5CFR part 2635 and Section 6401.102.

There are no EPA assistance agreements or contracts held by the entity the services are being provided to.

Approved  Disapproved

Michael P. Flynn  
Michael P. Flynn, Deputy Ethics Official, OIAA

5/11/09  
Date

**MEMORANDUM**

4/9/09

**SUBJECT:** Request for Approval to Engage in Outside Employment  
**FROM:** ~~FOIA EXEMPTION 6~~, Director ~~FOIA EXEMPTION 6~~  
Quality Staff, Office of Environmental Information  
**TO:** Michael P. Flynn, Deputy Ethics Official  
Office of Environmental Information

As required by the EPA supplemental ethics regulations, I am submitting this request for your approval to engage in outside employment. In order for you to make your decision, I submit the following:

Employee's Name, Title and Grade: ~~FOIA EXEMPTION 6~~, Director, Quality Staff, GS-15

Nature of the Outside Activity: Retail Sales

Name of business or profession: ~~FOIA EXG~~; Less than 10k sales transactions per year

Amount of compensation expected and basis of compensation (e.g., fee, per diem, per annum, etc): Retail sales less than \$ ~~ENL~~ per year

Estimated time devoted to this activity: Less than 400 hours per year

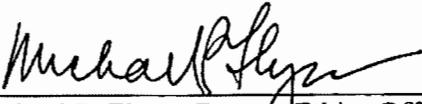
Indicate whether the activity will be performed entirely outside of normal duty hours:  
Business entirely operated outside of normal duty hours

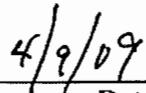
I will use no official duty time, Government property, resources, or facilities not available to the general public to conduct this activity.

I have read and am familiar with and will abide by the restrictions described in 5CFR part 2635 and Section 6401.102.

There are no EPA assistance agreements or contracts held by the entity the services are being provided to.

Approved  Disapproved

  
Michael P. Flynn, Deputy Ethics Official, OIAA

  
Date

**MEMORANDUM**

**SUBJECT:** Request for Approval to Engage in Outside Employment

**FROM:** ~~FOIA EXEMPTION 6~~, OEI, Quality Staff Operations and Outreach Team Leader

**TO:** Michael P. Flynn, Deputy Ethics Official  
Office of Environmental Information

**THROUGH:** Reggie Cheatham

As required by the EPA supplemental ethics regulations, I am submitting this request for your approval to engage in outside employment. In order for you to make your decision, I submit the following:

~~FOIA EXEMPTION 6~~, Operations and Outreach Team Leader, GS-15:

Nature of the Outside Activity: *Serve as an instructor for University teaching an evening course is entitled Operations and Project Management. This course is not related to my current duties and responsibilities at EPA. The course focuses on many case studies of service providing industries such as restaurants and retail chains. The course teaches students how to compute various mathematical formulas such as productivity, critical path, and regression analysis. The course does not discuss EPA nor does it discuss my duties of implementing an Agency quality training program, developing Agency quality guidance, or conducting oversight of the Agency's Quality Program.*

Name of business or profession: ~~FOIA EX~~ University, 11 students anticipated for this 9nine weeks course which meets one day a week.

Amount of compensation expected and basis of compensation (e.g., fee, per diem, per annum, etc): \$: ~~FOIA EX~~

Estimated time devoted to this activity: Two to four hours each evening.

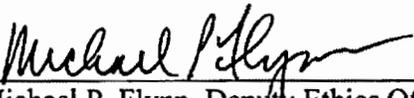
Indicate whether the activity will be performed entirely outside of normal duty hours:  
*This course will not require me to take leave or be absent from work.*

I will use no official duty time, Government property, resources, or facilities not available to the general public to conduct this activity.

I have read and am familiar with and will abide by the restrictions described in 5CFR part 2635 and Section 6401.102.

There are no EPA assistance agreements or contracts held by the entity the services are being provided to.

Approved  Disapproved

  
\_\_\_\_\_  
Michael P. Flynn, Deputy Ethics Official,  
Office of Environmental Information

3/24/09  
Date





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D C. 20460

OFFICE OF  
ADMINISTRATION  
AND RESOURCES  
MANAGEMENT

**MEMORANDUM**

**SUBJECT:** Request for Administrative Approval of Outside Activity

**FROM:** FOIA EXEMPTION 6  
Program Analyst, GS - 0343 - 14/9  
Human Capital Planning Branch

**THRU:** Jeffrey Bryan, Chief  
Human Capital Planning Branch  
Office of Human Resources

**THRU:** Marsha Bush, Team Leader  
Programs Management Team  
Office of Human Resources

**TO:** Kenneth T. Venuto, Director and Deputy Ethics Officer  
Office of Human Resources  
Office of Administration and Resources Management

Since I will be retirement eligible the middle of this year, I want to pursue private and non-profit sector work experiences during my remaining time in civil service. My goal is to build a transitional bridge of experiences and contacts that I can use to help me make the retirement transition. In order to do this, I understand that I have to submit, in writing, a request to authorize me to participate in outside activities. Therefore, I am writing this memo to comply with 5 C.F.R., Part 3, Section 6401.103 (Prior Approval for Outside Employment).

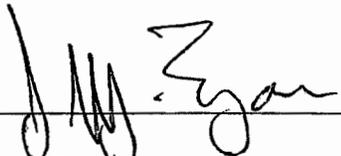
I will participate in outside activities by working evenings, compressed off days, and weekends. The services I expect to perform over the next year or so will be conducted outside of my normal duty hours. There will not be any abnormal absences from my work duties resulting from outside activity. I will not use any government property, resources, or facilities not available to the general public for the outside activity. I do not yet know what I will be charging, but I understand that consultants' fees range between \$ ~~EXL~~ and \$ ~~EXL~~ per hour.

I will not be working with any person or organization that has a contract with the EPA and will not assist anyone seeking to obtain a contract with the EPA or other agencies of the federal government.

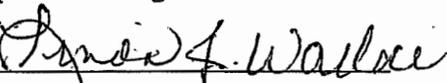
As an organizational psychologist, I expect to conduct a variety of organizational and management assessments using a variety of research methods, to include but not limited to focus groups and survey methods. In addition, I will be consulting in the areas of human resources program design and evaluation, work group structures and processes (e.g., problem-solving and decision-making), and organizational change based on data feedback methods. Another area of experience and interest is work place stress assessment, prevention, and management. All of my doctoral education, obtained before joining the federal government, prepared me to conduct this type of work.

I have read and am familiar with 5 C.F.R. parts 2635 and 6401.102. I will confer with Justina Fugh, Ethics Officer, should any questions arise.

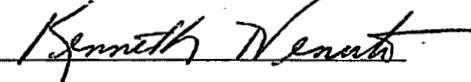
Thank you for your consideration and support.

Approved  Date 1/9/08

Jeffrey Bryan, Chief  
Human Capital Planning Branch

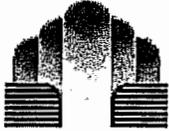
Approved  Date 1/9/08

Linda Wallace, Director  
Human Capital Management Division

Approved  Date 1/14/08

Kenneth T. Venuto, Director Office of Human Resources  
and Deputy Ethics Officer

cc: Linda Wallace  
Jeffrey Bryan  
Marsha Bush  
Justina Fugh



FOIA/DC/USEPA/US

09/10/2007 07:39 AM

To Marsha Bush/DC/USEPA/US@EPA  
cc Matt Crouch/DC/USEPA/US@EPA, Linda  
Wallace/DC/USEPA/US@EPA

bcc

Subject Request Prior Approval for Outside Employment



TO: Marsha Bush, Office of Human Resources ALT. Deputy Ethics Official

FROM: FOIA/DC/USEPA/US Program/Management Analyst, GS-343-14

REFERENCE:

Title 5 - Administrative Personnel, Chapter LIV - Environmental Protection Agency  
Part 6401 - Supplemental Standards of Ethical Conduct for Employees of the  
Environmental Protection Agency - Table of Contents  
Sec. 6401.103 Prior approval for outside employment, para. (a) through (c).

In accordance with the above referenced statute, I hereby request approval to engage in outside employment on my personal time outside of my official duty time. The perspective business is a travel industry related venture. My position will be a Referring Travel Agent (RTA) operating as a home-based internet business. Clients are directed to an internet based URL travel search engine where flights, rental cars, hotels, and other travel related products are offered. My compensation is entirely based on travel commissions, and achievement bonuses from

As an RTA in the travel industry, this business venture is described as self-employment, and clients will utilize travel services on an ad-hoc basis dependent on the travel season. As a start-up new RTA, I do not expect to break any commission records in the next twelve months. This business was set-up to help reduce personal travel expenses for myself and my family. Approximately 5 - 6 hours a week will be devoted to this business entirely at my resident office in

At no time will I utilize official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this business venture. I have read, and am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and Sec 6401.102. I do not hold any official positions to EPA assistance agreements or contracts held by a person to or for whom services would be provided. Please provide a return written response to this request, as required by the above referenced statute.

Sincerely,

FOIA/DC/USEPA/US  
Office of Human Resources  
U.S. EPA

FOIA/DC/USEPA/US  
ex6 @epa.gov

Information in this message may be subject to the Privacy Act (5 USC 522a) and should be treated accordingly. The



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OCT - 9 2007

OFFICE OF  
ADMINISTRATION  
AND RESOURCES  
MANAGEMENT

MEMORANDUM

DATE: October 05, 2007

SUBJECT: Response to Request for Approval for Outside Employment Dated  
September 10, 2007

FROM:   
Kenneth T. Venuto  
Deputy Ethics Official

TO: *FOIA EXEMPTION*  
Management Analyst, GS-343-14

Based on my reading of this request and of 5 CFR part 2635 and §6401.102, I have determined that this outside employment is not expected to involve conduct prohibited by statute or regulation, include 5 CFR part 2635 and §6401.102. Therefore, your request for outside employment is **APPROVED**.

If there is a change in the nature of scope of the duties performed or the nature of your business, you must submit a revised approval request.

information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, re-transmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you receive this in error, please contact the sender and delete the material from any computer.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 30 2010

**MEMORANDUM**

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE

**SUBJECT:** Request for Approval for Outside Activity

**FROM:** Exemption 6 Health Physicist, O-6

**THRU:** Brenda Kennedy, OEM Assistant Deputy Ethics Official

**TO:** Dana Tulis, OEM Deputy Ethics Official

I am formally requesting permission to accept an opportunity to serve as a consultant to the FOIA Exemption 6 *the Supplemental Standards of Ethical Conduct for Employees of the Environmental Protection Agency*, requires that the employee's request for approval of outside activities shall be submitted in writing to his or her Deputy Ethics Official." This memorandum serves that purpose.

I would serve as a consultant to the Ex 6 and provide advice and input to a draft report in my area of experience. I would also review select sections of the draft document before it is peer reviewed and provide advice on responding to peer review comments by Council members. **No compensation** will result from my participation, however, my personal expenses associated with travel and lodging will be reimbursed by Ex 6. This activity will last approximately three years and produce a report entitled "Approach to Optimizing Decision Making in the Late-Phase Recovery from Nuclear or Radiological Terrorism." This activity will be performed mostly outside normal duty hours and I will be on annual leave during all meetings for which I participate. There are no known EPA assistance agreements for contracts held by a person to or for whom these services would be provided.

I will use no official duty time or Government property, resources, or facilities not available to the general public in this endeavor, except for situations that permit limited personal use of Government office equipment during non-work time. For example, (1) if it involves minimal additional expense to the Government, if it does not reduce my productivity or interfere with my official duties or the official duties of others, (3) I will use equipment that I am already authorized to use for official Government business, and (4) it is legal and appropriate. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and § 6401.102.

FOIA exemption 6

Date: 8/30/2010

# Request for Outside Activity:

## The Approval Process

As outlined in Supplemental Standards of Ethical Conduct for Employees of the Environmental Protection Agency (Part 6401 5 C.F.R 6401.103), Agency employees are required to submit written requests for approval to his or her Deputy Ethics Official. The request must be sent through the employee's immediate supervisor (for the supervisor's information).



The request must include:

1. The employee's name, title and grade
2. Nature of the activity and the amount of compensation expected
3. The name & business of the person/ organization for which the work will be done.
4. The estimated time to be devoted to the activity
5. Whether the service will be performed entirely outside of normal duty hours.
6. The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used.
7. The basis for compensation (e.g., fee, per diem, per annum, etc.)
8. The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 5 CFR 6401.102
9. An identification of any EPA assistance agreements for contracts held by a person to or for whom services would be provided.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUN 22 2010

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: Request for Approval of Outside Employment

FROM: ~~FOIA ex 6~~ Biologist  
National Decontamination Team

THRU: Scott Hudson, Acting Team Leader  
National Decontamination Team

TO: Dana Tulis, Acting Deputy Ethics Official  
Office of Emergency Management

I request approval of outside employment based on the following information:

1. Biologist (Board Certified Toxicologist); GS-401-15
2. I have been elected as an officer of the "Occupational & Public Health" specialty section of the ~~FOIA ex 6~~ .s the principle professional society to which I, along with many other US EPA employees, belong and which provides us with a good deal of our continuing education. Specialty sections simply facilitate the interaction of members who share particular interests and the members contribute to activities such as the selection of scientific topics for sessions at SOT's annual meeting. There is no remuneration for this post and it involves only a few occasional telephone calls or other minor administrative tasks. I will have no dealings on behalf of SOT that might impact upon EPA policy or which could be in conflict with my official duties.
3. The ~~FOIA ex 6~~ Occupational & Public Health Specialty (special interest) Section which includes approximately two-hundred members and is one of many that exist within the organization.
4. Time obligations are very sparse, I estimate an hour a week at most.
5. Most of the duties involved will take place during the business day.
6. No resources of the US EPA will be used other than the telephone and my computer. Everything that the specialty section does is accessible to the public.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

April 29, 2008

OFFICE OF  
SOLID WASTE AND EMERGENCY  
RESPONSE

MEMORANDUM

SUBJECT: Request for Approval of Outside Employment

FROM: FOIA ex 6 Environmental Scientist GS028 13, FOIA ex 6  
Regulatory and Policy Development Division

THRU: Craig Matthiessen, Director *Craig Matthiessen*  
Regulatory and Policy Development Division

TO: Deborah Y. Dietrich, Deputy Ethics Official  
Office of Emergency Management

I request approval of outside employment based on the following information:

I'm a Temporary Faculty member for two colleges: I teach a 3-6 hour History of Brewing class, 3 or 4 times a year. Fees are collected through the colleges and I receive a check for my services. No EPA related topics are discussed. I'm not listed as an employee or representative of EPA in any college materials.

The colleges are FOIA ex 6 University FOIA exemption 6  
and FOIA ex 6 College.

Each class meets one or two nights for 3-4 hours. The class is entirely outside normal duty hours.

No official duty time, government property or resources will be used for this outside employment. I have read and am familiar with the restrictions described in 5 CFR part 2635 and Section 6401.102.

There are no assistance agreements or contracts involved, teaching does not include consulting or professional services to institutions which have or may seek Federal assistance agreements or contracts. No service which involves preparing grant applications, contract proposals or program reports is provided.

Approved:

Debra G. Suter 3/27/08  
Deputy Ethics Official      Date

Disapproved:

\_\_\_\_\_  
Deputy Ethics Official      Date

NOTE: If there is a change in the nature or scope of the duties or services performed or the nature of the employees' business, the employee must submit a revised request for approval prior to effecting the change.

MEMORANDUM

December 07, 2009

SUBJECT: Request for Approval of Outside Employment

FROM: FOIA ex 6 Health Physicist  
Office of Emergency Management

TO: Deborah Y. Dietrich, Deputy Ethics Official  
Office of Emergency Management

I request approval of outside employment based on the following information:

1. Appointment as an Adjunct Assistant Professor in the Department of Environmental Health, Division of Environmental & Industrial Hygiene, College of Medicine, University of  
FOIA ex 6
2. To teach the non-ionizing radiation component of the "Physical Aspects of the Environment" course (26-EIH-790).
3. **Nature of the work:** As an Adjunct Assistant Profession, I will be responsible for developing and delivering four lectures on the topic of non-ionizing radiation. The course covers the principles and techniques of recognizing and evaluating health problems of vibration, heat, noise, non-ionizing, ultraviolet, visible, infrared, and microwave radiation. It is designed for graduate students pursuing a Masters or Doctorate in Industrial Hygiene, Epidemiology, or Biostatistics.
4. **Whether or not I want to be paid:** I will be compensated: FOIA ex 6 annually for my services.
4. **Is the nature of this work related to my official duties for the EPA?** It is related in terms of providing me maintenance and certification points towards my Industrial Hygiene and Health Physics certifications. It is not related in the sense that my duties with the EPA do not involve any matters in which the University FOIA ex 6 is subject to EPA regulation or has any financial interest related to EPA activities. The lecture topics (non-ionizing radiation) are not directly related to my primary responsibilities as a Health Physicist (ionizing radiation). My being compensated for teaching does not pose any apparent conflict of interest that I can identify.
5. Estimated time devoted to the activity is anticipated to be about 24 hours per year. About 8 hours to teach four lectures and 16 hours to develop the lecture materials. Four lectures will be provided during the first week in February.
6. The service performed is always performed on personal time off EPA property. I will be on leave during the periods when I teach the course.

7. No official EPA duty time or property, resources, or facilities are being used for personal or any financial gain or benefit.
8. I have read, and am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on "Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations).
9. There are no EPA assistance agreements or contracts involved.

Approved: Donald G. Dilluck 12-11-09  
Deputy Ethics Official Date

Disapproved: \_\_\_\_\_  
Deputy Ethics Official Date

NOTE: If there is a change in the nature or scope of the duties or services performed or the nature of the employees' business, I will submit a revised request for approval prior to effecting the change.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FILE COPY

SEP 2 2010

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE

**MEMORANDUM**

**SUBJECT:** Response to Request for Approval for Outside Employment Dated 08/30/2010

**FROM:** Dana Tulis  
Deputy Ethics Official

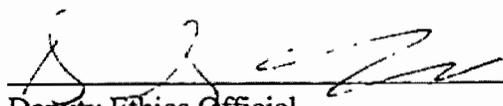
**THRU:** Assistant Deputy Ethics Official

**TO:** FOIA ex 4

Based on my reading of this request and of 5 CFR part 2635 and § 6401.102, I have determined that this outside employment is not expected to involve conduct prohibited by statute or regulation, including 5 CFR part 2635 and § 6401.102. Therefore your request for this outside activity is APPROVED. This approval pertains to the requested actions over the period from October 1, 2010 to September 30, 2013.

If there is a change in the nature or scope of the duties performed or the nature of your business, you must submit a revised request for review approval.

Congratulations on your selection to this appointment.

  
\_\_\_\_\_  
Deputy Ethics Official

Date: 9/2/10



June 26, 2006

**MEMORANDUM**

SUBJECT: Request for Approval of Outside Activity  
FROM: FOIA ex 6 Attorney/Advisor FOIA ex 6  
THRU: David Cozad, Branch Chief, Attorney *David Cozad*  
TO: Bill Rice, Deputy Regional Administrator

This request is for your approval for me to engage in an outside activity, i.e., to teach Environmental Law as an Adjunct Professor at the University of FOIA ex 6 in the Fall 2006 semester. In order to obtain your approval for this outside activity, here is information you are required to have pursuant to ethics regulations, 5 CFR § 6401.103. I am excited about this opportunity and will do my best.

1. *Employee's name, title and grade;*

FOIA ex 6  
Attorney/Advisor  
GS-14

2. *Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected. If without compensation, so state;*

This is an Adjunct Professor teaching position with no compensation. FOIA ex 6 will teach one half the class and I'll teach the other half. The class meets T/Th from 5:00 to 6:15 PM. Here is the class description:

**Environmental Law (2-3)**

This course covers law developed to control pollution and to protect our country's physical environment. The course provides introductions to ecological theories and to early common law efforts to protect the environment. But the course mainly focuses on current environmental statues (for instance, the Superfund Act, the Resourse Conservation and Recovery Act, the Clean Air Act, and the Clean Water Act) and on current federal constitutional issues involving the environment. (Priorities in this mix may vary from year to year, depending on current events and related course offerings). Enforcement policies, citizen activism the needs of private industry, and the administrative process are also considered. No prerequisites.

3. *The name and business of the person or organization for which the work will be done;* University FOIA ex 6

4. *The estimated time to be devoted to the activity;* 16 to 20 hours per week.

5. *Whether the service will be performed entirely outside of normal duty hours;* This service will be performed entirely outside of normal duty hours, which are 9:00 AM to 3:00 PM, Monday through Friday, 30 hours per week.

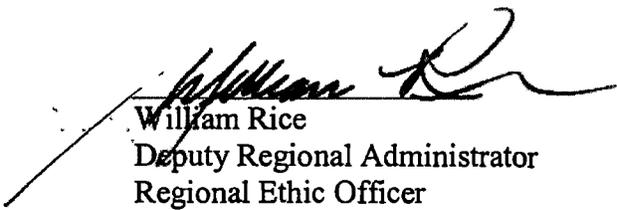
6. *The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment; No official duty time or Government property, resources or facilities not available to the general public will be used in connection with this teaching assignment.*

7. *The basis for compensation; Gratis - no compensation.*

8. *The employee's statement that he or she has read, is familiar with and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102; I have read and am familiar with and will abide by the restrictions in the CFR on outside activities, particularly 5 CFR Section 2635.807, Teaching, speaking and writing. See attached.*

9. *An identification of any EPA agreements or contracts held by a person to or for whom services would be provided. None, except that some student interns from UMKC occasionally work at Region 7.*

APPROVED:

  
William Rice  
Deputy Regional Administrator  
Regional Ethic Officer

7/11/06  
Date

Cc: Kent Johnson, ORC



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

APR 21 2010

MEMORANDUM

SUBJECT: Request to Engage in Outside Employment

FROM: David Cozad *2-1 Cozad 4/21/10*  
Regional Counsel  
Deputy Ethics Official

TO: *FOIA ex 6*  
Assistant Regional Counsel

This is in response to your March 11, 2010, written request for approval to teach Environmental Law as an Adjunct Professor to law students at the University *FOIA ex 6* in *FOIA ex 6*. EPA's Supplemental Standards of Ethical Conduct regulations at 5 C.F.R. § 6401.103(a)(3) requires Government employees to obtain approval from their Deputy Ethics Official before engaging in certain types of outside activities, with or without compensation.

As an EPA attorney, you are involved in mining and lead contamination sites, Federal Indian Law, National Historic Preservation, and NEPA matters. Some of your duties include regulatory compliance and enforcement, administrative proceedings and records, complaints, settlement negotiations, case development and litigation/settlements on Superfund cleanups, extensive legal research on complex corporate histories, access orders, penalty actions, hazardous waste corrective actions and Superfund responses and cost recovery matters. You state that you have no involvement in EPA matters that involve or pertain to any EPA grants to the University *FOIA ex 6*.

This is a part-time teaching position with two classes per week. The course covers law developed to control pollution and to protect our country's physical environment. The course provides introductions to ecological theories and to early common law efforts to protect the environment but focuses mainly on current environmental statutes and on current federal constitutional issues involving the environment. You estimate your salary to be *FOIA ex 6*. You estimate that approximately 16 to 20 hours per week will be devoted to this activity and that the work will be performed entirely outside of normal duty hours.

Based on the information provided me, I approve this request. You should review the Standards of Ethical Conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself

with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. § 2635.702(b), which prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another. Note also that you shall not use or permit the use of your official title or position to identify yourself in connection with teaching except that you may include or permit the inclusion of your title or position as one of several biographical details provided that your title and position is given no more prominence than other significant biographical details. 5 C.F.R. § 2635.807(a)(3)(b).

You cannot represent this outside organization back to the Government on any matter (even on matters that you're not personally working on in your official capacity, or even to non-EPA agencies). Two criminal statutes, 18 U.S.C. §§ 203 and 205, prevent federal employees from representing any outside entity, with or without compensation, back to the federal government, in any matter in which the United States is a party or has an interest. When you participate in matters on behalf of an outside organization with which you are affiliated in your outside capacity, you must be careful to ensure that your participation is on a personal level, not on behalf of EPA, and never to another federal official on behalf of the outside entity. You are not representing EPA in your outside capacity.

In addition, an employee is prohibited by a criminal statute, 18 U.S.C. 208(a), from participating personally and substantially in an official capacity in any particular matter in which she, or any person whose interests are imputed to her under this statute has a financial interest, if the particular matter will have a direct and predictable effect on that interest.

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes; and the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950.

Lastly, you are reminded that under the regulations in Part 2635, you must undertake outside employment activities only on your own time (including duly approved leave), away from EPA premises, and *without* the use of any governmental personnel or government property such as telephones, office supplies, or office machines. Using Government office equipment for commercial purposes or in support of other "for profit" activities such as outside employment or businesses is not a permissible activity under EPA's Policy on Limited Personal Use of Government Office Equipment. <http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/2101-0.pdf> In addition, any leave or credit time which you elect to take must be requested and approved in advance by your supervisor.

This approval to teach at the University of ~~FOIA ex 6~~, will remain in effect for the Fall Semester 2010 or for the duration of time that you engage in this particular activity, whichever is shorter. Please note that 5 C.F.R. § 6401.103(d) requires

**MEMORANDUM**

SUBJECT: Request for Approval of Outside Activity  
DATE: March 11, 2010  
FROM: FOIA ex b ; Attorney/Advisor  
THRU: Leslie Humphery, Branch Chief, Counsel  
TO: Dave Cozad, Region 7 Ethics Official

This request is for your approval for me to engage in an outside activity, i.e., to teach Environmental Law as an Adjunct Professor at the University of FOIA ex b. FOIA ex b. In order to obtain your approval for this outside activity, here is information you are required to have pursuant to ethics regulations, 5 CFR § 6401.103. I am excited about this opportunity and will do my best.

1. *Employee's name, title and grade:*

FOIA ex b  
Attorney/Advisor  
GS-14

2. *Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected. If without compensation, so state:*

This is a part-time teaching position as an Adjunct Professor at the Law School. I will receive minimal compensation. The *estimated* salary is FOIA ex b. The exact compensation will be determined based on a FOIA ex b minimum salary. The class will meet twice a week on campus.

3. *The name and business of the person or organization for which the work will be done:*

FOIA ex b Fall Semester 2010.

4. *The estimated time to be devoted to the activity; 16 to 20 hours per week.*

5. *Whether the service will be performed entirely outside of normal duty hours:*

The service will be performed totally outside during normal duty hours. I plan to change my normal duty hours starting in the Fall of 2010 to 9:00 AM to 3:30 PM on Mondays and Wednesdays, 9:00 AM to 3:00 PM on Tuesdays and Thursdays, and 8:30 AM to 5:00 PM Fridays. The class is Monday/Wednesday, 4:15 to 5:30 PM. This change is a slight adjustment moving one hour on Mondays and Wednesdays to two hours on Fridays. In the alternative, I could also arrive at 8:00 AM on Mon/Wed and have the same availability to teach outside core working hours.

you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity. Please also notify me if there are any changes in your EPA job duties that might affect this determination.

Please call Karina Borromeo, Assistant Deputy Ethics Official, at (913) 551-7675 if you have any questions.

Attachments

cc: Request for Approval of Outside Activity File  
Leslie Humphrey, Chief, Water Branch  
Becky Dolph, Deputy Regional Counsel

6. *The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;* No official duty time or Government property, resources or facilities not available to the general public will be used in connection with this teaching assignment.

7. *The basis for compensation;* Lecturer Pool, ~~FOIA ex 6~~ per credit hour minimum salary, exact amount to be determined, estimated at ~~FOIA ex 6~~ The exact compensation will be determined based on this salary.

8. The employee's statement that he or she has read, is familiar with and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102; I have read and am familiar with and will abide by the restrictions in the CFR on outside activities, particularly 5 CFR Section 2635.807, *Teaching, speaking and writing.*

9. *An identification of any EPA agreements or contracts held by a person to or for whom services would be provided.* Some student interns from ~~FOIA ex 6~~ occasionally work at Region 7. See attached list of grants with ~~ex 6~~ current as of December 2009. I have no involvement in any grants with ~~ex 6~~

APPROVED:

\_\_\_\_\_  
David Cozad  
Regional Ethics Officer

\_\_\_\_\_  
Date

Cc: Karina Borroemeo, ORC





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

APR - 8 2011

MEMORANDUM

SUBJECT: Request for Approval of Outside Activity

FROM: David Cozad *Del Cozad*  
Deputy Ethics Official

TO: *FOIA ex b* Attorney  
Superfund Branch (SUPR)  
Office of Regional Counsel (CNSL)

This is in response to your April 8, 2011, request to serve as a *FOIA ex b* for the *FOIA ex b*. EPA's Supplemental Standards of Ethical Conduct regulations at 5 C.F.R. § 6401.103(a)(2) requires employees to obtain approval from their Deputy Ethics Official before engaging in outside activities, with or without compensation, that involves the practice of a profession as defined in 5 C.F.R. § 2626.305(b)(1). The *FOIA ex b* requires that its *FOIA ex b* be an attorney.

As an EPA attorney, you work with program offices to enforce, defend, and implement federal environmental laws and regulations in accordance with EPA policies and priorities. You review and provide opinions and advice on legal and policy issues and represent the Agency on environmental issues as a legal and enforcement official before the public, courts, media and in relation to other governmental agencies and entities. In addition, you provide legal and policy advice in the development and implementation of regional plans and strategies to address lead sites. You do not have any EPA duties that involve or pertain to any EPA grants or contracts.

According to your request, the position requires overseeing one court clerk and responsibility for the operation of the *FOIA ex b* court for the *FOIA ex b*. The *FOIA ex b* court hears violations of city ordinances on information filed by a City Prosecutor. The violations are criminal in nature and range from traffic violations to domestic violence. You state that the position requires an average of 12 to 16 hours per month depending on the number of cases filed and that all activities performed for this position would be outside normal duty hours. In addition, your current compensation for this position is *FOIA ex b* per month.

Based on the information provided me, I approve this request. You should review the Standards of Ethical Conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. § 2635.702(b), which prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another.

You cannot represent this outside organization back to the Government on any matter (even on matters that you're not personally working on in your official capacity, or even to non-EPA agencies). Two criminal statutes, 18 U.S.C. §§ 203 and 205, prevent federal employees from representing any outside entity, with or without compensation, back to the federal government, in any matter in which the United States is a party or has an interest. When you participate in matters on behalf of an outside organization with which you are affiliated in your outside capacity, you must be careful to ensure that your participation is on a personal level, not on behalf of EPA, and never to another federal official on behalf of the outside entity. You are not representing EPA in your outside capacity.

In addition, an employee is prohibited by a criminal statute, 18 U.S.C. 208(a), from participating personally and substantially in an official capacity in any particular matter in which he, or any person whose interests are imputed to him under this statute has a financial interest, if the particular matter will have a direct and predictable effect on that interest.

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes; and the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950.

Lastly, you are reminded that under the regulations in Part 2635, you must undertake outside employment activities only on your own time (including duly approved leave), away from EPA premises, and *without* the use of any governmental personnel or government property such as telephones, office supplies, or office machines. Using Government office equipment for commercial purposes or in support of other "for profit" activities such as outside employment or businesses is not a permissible activity under EPA's Policy on Limited Personal Use of Government Office Equipment. <http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/2101-0.pdf> In addition, any leave or credit time which you elect to take must be requested and approved in advance by your supervisor.

This approval to serve as FOIA ex b for the FOIA ex b will remain in effect for one year or for the duration of time that you engage in this particular activity, whichever is shorter. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside

April 8, 2011

**MEMORANDUM**

SUBJECT: Request for Approval of Outside Activity

FROM: FOIA ex 6  
Office of Regional Counsel

THROUGH: Kristina Gonzales  
Superfund Branch  
Office of Regional Counsel

TO: David Cozad  
Deputy Ethics Official

ATTENTION: Karina Borromeo  
Assistant Deputy Ethics Official

I am requesting approval for work outside the U.S. Environmental Protection Agency (EPA) as a FOIA ex 6 for the FOIA ex 6.

Name: FOIA ex 6

Title: Attorney Advisor, GS-905-15

Job Duties: My job duties include working with program offices to enforce, defend, and implement federal environmental laws and regulations in accordance with EPA policies and priorities. I review and provide opinions and advice on legal and policy issues. I represent the Agency on environmental issues as a legal and enforcement official before the public, the courts, the media and in relations with other governmental agencies and entities. In addition, I provide legal and policy advice and input in the development and implementation of regional plans and strategies to address lead sites.

Nature of outside activities: FOIA ex 6 for the FOIA ex 6. The job requires overseeing one court clerk and responsibility for the operation of the FOIA ex 6 for the FOIA ex 6. The municipal court hears violations of city ordinances on informations filed by a City prosecutor. The violations are criminal in nature and range from traffic violations to domestic violence. Current compensation for this position is FOIA ex 6 per month. The work is performed for the FOIA ex 6, who is the only client (or customer). The position requires an average of 12 to 16 hours per month depending on the number of cases filed and all services are performed outside of normal duty hours. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this position.

I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102. I am not aware of any EPA assistance agreement, grant or contract held by the FOIA ex 6.

activity. Please also notify me if there are any changes in your EPA job duties that might affect this determination.

Please call Karina Borromeo, Assistant Deputy Ethics Official, at (913) 551-7675 if you have any questions.

Attachment

cc: Request for Approval of Outside Activity File  
Kristina Gonzales, Chief, Superfund Branch, CNSL  
Becky Dolph, Deputy Regional Counsel, CNSL



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

FEB 23 2012

**MEMORANDUM**

SUBJECT: Request for Approval of Outside Activity

FROM: David Cozad *David Cozad 2/23/12*  
Deputy Ethics Official

TO: *FOIA ex 6*  
Assistant Regional Counsel

This is in response to your February 6, 2012, written request for approval to teach a business course to graduate students through an accelerated online degree program with *FOIA ex 6*

During a 5 week term from approximately April 2 through May 16, 2012, you have been requested to teach "Energy Policy and Administration". EPA's Supplemental Standards of Ethical Conduct regulations at 5 C.F.R. § 6401.103(a)(3) requires Government employees to obtain approval from their Deputy Ethics Official before engaging in certain types of outside activities, with or without compensation.

As an EPA attorney, your duties include civil administrative litigation, primarily in FIFRA, SDWA, RCRA, CAA/RMP and TSCA. You describe the course as providing students with an opportunity to study the historical, economic, business, socio-cultural and political dimensions that have affected energy policy and administration in the United States throughout the 20<sup>th</sup> and early 21<sup>st</sup> Century. You state that particular emphasis is placed upon gaining an understanding of the causes associated with various policy and administrative decisions, as well as some of the strategic, economic, financial, social and environmental consequences resulting from such decisions. You estimate that approximately 12-15 hours per week will be devoted to these activities and that the work will be performed outside of normal duty hours.

Based on the information provided me, I approve this request. You should review the Standards of Ethical Conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. § 2635.702(b), which prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another. Note also that you shall not use or permit the use of your official title or position to identify yourself in connection with teaching except that you may include or permit the inclusion of your title or position as one of several biographical details provided that your title and position is given no more prominence than other significant biographical details. 5 C.F.R. § 2635.807(a)(3)(b).



FOIA Ex. 6

Request for Approval of Outside Activity

Page 2 of 2

You cannot represent this outside organization back to the Government on any matter (even on matters that you're not personally working on in your official capacity, or even to non-EPA agencies). Two criminal statutes, 18 U.S.C. §§ 203 and 205, prevent federal employees from representing any outside entity, with or without compensation, back to the federal government, in any matter in which the United States is a party or has an interest. When you participate in matters on behalf of an outside organization with which you are affiliated in your outside capacity, you must be careful to ensure that your participation is on a personal level, not on behalf of EPA, and never to another federal official on behalf of the outside entity. You are not representing EPA in your outside capacity.

In addition, an employee is prohibited by a criminal statute, 18 U.S.C. 208(a), from participating personally and substantially in an official capacity in any particular matter in which she, or any person whose interests are imputed to him under this statute has a financial interest, if the particular matter will have a direct and predictable effect on that interest.

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes; and the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950.

Lastly, you are reminded that under the regulations in Part 2635, you must undertake outside employment activities only on your own time (including duly approved leave), away from EPA premises, and *without* the use of any governmental personnel or government property such as telephones, office supplies, or office machines. Using Government office equipment for commercial purposes or in support of other "for profit" activities such as outside employment or businesses is not a permissible activity under EPA's Policy on Limited Personal Use of Government Office Equipment. <http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/2101-0.pdf> In addition, any leave or credit time which you elect to take must be requested and approved in advance by your supervisor.

This approval to teach at FOIA Ex. 6 University will remain in effect for the duration of this particular 5 week term. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity. Please also notify me if there are any changes in your EPA job duties that might affect this determination.

Please call Karina Borrromeo, Assistant Deputy Ethics Official, at (913) 551-7675 if you have any questions.

Attachments

cc: Request for Approval of Outside Activity File

**MEMORANDUM**

SUBJECT: Request for Approval of Outside Activity

FROM: FOIA ex b

**FEB 06 2012**

THROUGH: Alyse Stoy AS

TO: Dave Cozad

CC: Karina Borromeo

Following are my answers to the questions concerning approval for outside work:

- (1) Employee's name, title and grade;  
FOIA ex b, Assistant Regional Counsel, GS-14
- (2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected. If without compensation, so state;

The position is a part-time adjunct faculty member for an accelerated online MBA degree program. I will be paid approximately \$ FOIA ex b for a 5 week session, running from approximately April 2 through May 16, 2012. The course description is as follows:

*Energy Policy and Administration:*

*This course provides students with an opportunity to study the historical, economic, business, socio-cultural and political dimensions that have affected energy policy and administration in the United States throughout the 20th and early 21st Century. Particular emphasis is placed upon gaining an understanding of the causes associated with various policy and administrative decisions, as well as some the strategic, economic, financial, social and environmental consequences resulting from such decisions. The course will also grant numerous opportunities to research, analyze and discuss how various stakeholders and interest groups (e.g.: Enron) influence policy-making. Learners also discover how fundamental constructs such as energy dependence and demand, economic security, energy storage and transportation, legislative agenda and renewable energies affect regional, national and international policy.*

- (3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);

FOIA ex b University, FOIA ex b

- (4) The estimated time to be devoted to the activity;  
12 – 15 hours a week.
- (5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);  
The work will be performed entirely outside of normal duty hours.
- (6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;  
I affirm that no official duty time or Government property, resources or facilities not available to the general public will be used in connection with my outside employment.
- (7) The basis for compensation (e.g., fee, per diem, per annum, etc.);  
Fee per completing a 5-week course.
- (8) The employee's statement that he or she has read, is familiar with and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102; and  
I affirm that I have read, am familiar with, and will abide by the restrictions in 5 CFR §§ 2635 and 6401.102.
- (9) An identification of any EPA assistance agreements, i.e., grants, or contracts held by a person to or for whom services would be provided.  
FOIA (b) who works in faculty development at FOIA (b), has confirmed with me that FOIA (b) does not currently have a grant or contract with EPA.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7

11201 Renner Boulevard  
Lenexa, Kansas 66219

JAN 17 2013

**MEMORANDUM**

SUBJECT: Permission to Participate in Outside Activities

FROM: David Cozad *David Cozad*  
Deputy Ethics Official

TO: *FOIA exemption b*  
Regional Criminal Enforcement Counsel

This is in response to your December 19, 2012, written request for approval to serve on the Board of Directors of the *FOIA ex b* Kansas City. EPA's Supplemental Standards of Ethical Conduct regulations at 5 C.F.R. § 6401.103(a)(4) requires employees to obtain approval from their Deputy Ethics Official before engaging in outside activities, with or without compensation, that involves a subject matter that deals in significant part with the policies, programs or operations of EPA or any matter to which an employee is presently assigned or to which the employee has been assigned during the previous one-year period.

As Regional Criminal Enforcement Counsel, your duties include working with CID/OCEFT to enforce, defend, and implement federal laws and regulations in accordance with EPA policies and priorities, reviewing and providing opinions on legal and policy issues; representing EPA as a legal and enforcement official before the public, courts and media whenever necessary and required; constructing legal memos and regularly communicating and collaborating with CID staff and Regional Counsel staff on priorities, goals and assigned activities. You do not have any EPA duties that involve or pertain to any EPA grants.

According to your request, the *FOIA ex b* a non-profit, grass-roots organization dedicated to *FOIA exemption b* You state that you will be serving without compensation as a *ex b* and, as such, will be responsible for the affairs and property of the *ex b* and assisting in governing and developing policy and fundraising for the *ex b* You estimate that this activity will require approximately 6 hours per month to perform and will be performed outside of normal duty time or on approved leave.

Based on the information provided me, I approve this request. You should review the Standards of Ethical Conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. § 2635.702(b), which prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another.



You cannot represent this organization back to EPA or the Federal Government on any matter (even on matters that you're not personally working on in your official capacity, or even to non-EPA agencies). Two criminal statutes, 18 U.S.C. §§ 203 and 205, prevent federal employees from representing any outside entity, with or without compensation, back to the federal government, in any matter in which the United States is a party or has an interest. When you participate in matters on behalf of an outside organization with which you are affiliated in your outside capacity, you must be careful to ensure that your participation is on a personal level, not on behalf of EPA, and never to another federal official on behalf of the outside entity. In addition, an employee is prohibited by a criminal statute, 18 U.S.C. 208(a), from participating personally and substantially in an official capacity in any particular matter in which she, or any person whose interests are imputed to her under this statute has a financial interest, if the particular matter will have a direct and predictable effect on that interest.

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes; and the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950. Specifically, an executive branch employee must comply with two rules when fundraising in a personal capacity:

- An employee may not use or permit the use of the employee's official Government title, position, or any authority associated with his or her office to further a fundraising effort.
- An employee may not request funds or other support from a subordinate or from a person whom the employee knows to be a "prohibited source" (as defined in 5 C.F.R. §2635.203) even if the employee does not refer to his or her official Government title or position. However, if an employee's request is conveyed through the media or is addressed to a group of many persons in a mass mailing or otherwise, this rule is not violated if the request reaches a subordinate or a prohibited source, unless the employee knew that the request was targeted at subordinates or prohibited sources.

Where employees are "active participants" in outside organizations in their private capacities, the impartiality provisions of 5 C.F.R. Part 2635, Subpart E, apply. This means that, unless authorized by a Deputy Ethics Official, employees may not participate in EPA matters which involve such organizations as specific parties if "a reasonable person with knowledge of the facts" would question their impartiality. You will have a covered relationship with the *FOIA ex 6* because it is an organization in which you are an active participant. 5 C.F.R. § 2635.502(b)(v). Active participation is defined as involving service in a capacity similar to that of a committee or subcommittee chairperson or spokesperson, or participation in directing the activities of the organization. *Id.* Executive branch employees are required to consider whether their impartiality may be questioned whenever their involvement in a particular matter involving specific parties might affect certain personal and business relationships. You should not participate in the matter unless you have informed me of the appearance problem and received authorization from me.

Lastly, you are reminded that under the regulations in Part 2635, you must undertake outside employment activities only on your own time (including duly approved leave), away from EPA premises, and *without* the use of any governmental personnel or government property such as telephones, office supplies, or office machines. Using Government office equipment for commercial purposes or in support of other "for profit" activities such as outside employment or businesses is not a permissible activity under EPA's Policy on Limited Personal Use of Government Office Equipment.

DEC 19 2012

MEMORANDUM

SUBJECT: Request for Approval of Outside Activity

FROM: Yolanda Holden *YH*  
Office of Regional Counsel

THROUGH: Becky Dolph *BTD*  
Deputy Regional Counsel

TO: David Cozad  
Regional Counsel

ATTENTION: Karina Borromeo  
Assistant Deputy Ethics Official

In accordance with 5 CFR § 6401.103, I am requesting approval for my participation in a certain outside activity, namely as a member of the Board of Directors of the Black Health Care Coalition, Inc. of Kansas City. The pertinent information is as follows:

- (1) Employee's name, title and grade; and a detailed description of employee's EPA job duties; *Yolanda Holden, Regional Criminal Enforcement Counsel, Grade 14; Duties include working with CID/OCEFT to enforce, defend, and implement federal laws and regulations in accordance with EPA policies and priorities, reviewing and providing opinions on legal and policy issues; representing the EPA as a legal and enforcement official before the public, courts and media whenever necessary and required; constructing legal memos; regularly communicating and collaborating with CID staff and Regional Counsel staff on priorities, goals, and assigned activities. I have no duties that involve EPA grants.*
- (2) Nature of the outside activity, including a full detailed description of the services to be performed and the amount of compensation expected. If the request involves teaching, provide an explanation of course. If without compensation, so state; *I will be serving, without compensation and for a second consecutive year, as a member of the Board of Directors for the Black Health Care Coalition of Kansas City. This same outside activity was approved for my first year of serving. The Black Health Care Coalition is a non-profit, grass-roots organization dedicated to reducing health disparities in the African American community through advocacy, health screenings and health promotion activities. I will be responsible for the affairs and property of the corporation. I will assist in governing and developing policy and fundraising for the corporation.*
- (3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6

<http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/2101-0.pdf> In addition, any leave or credit time which you elect to take must be requested and approved in advance by your supervisor.

This approval to serve as FOIA exemption will remain in effect for one year or for the duration of time that you engage in this particular activity, whichever is shorter. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity. Please also notify me if there are any changes in your EPA job duties that might affect this determination.

Please call Karina Borrromeo, Assistant Deputy Ethics Official, at (913) 551-7675 if you have any questions.

Attachment

cc: Request for Approval of Outside Activity File



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7

11201 Renner Boulevard  
Lenexa, Kansas 66219

MAY 20 2013

MEMORANDUM

SUBJECT: Request for Approval of Outside Activity

FROM: David Cozad *David Cozad*  
Deputy Ethics Official

TO: *FOIA ex. b.* Attorney  
Superfund Branch (SUPR)  
Office of Regional Counsel (CNSL)

This is in response to your April 24, 2013, request to serve as a *FOIA ex. b.* EPA's Supplemental Standards of Ethical Conduct regulations at 5 C.F.R. § 6401.103(a)(2) requires employees to obtain approval from their Deputy Ethics Official before engaging in outside activities, with or without compensation, that involves the practice of a profession as defined in 5 C.F.R. § 2626.305(b)(1). The *FOIA ex. b.* requires that its be an attorney.

As an EPA attorney, you work with program offices to enforce, defend, and implement federal environmental laws and regulations in accordance with EPA policies and priorities. You review and provide opinions and advice on legal and policy issues and represent the Agency on environmental issues as a legal and enforcement official before the public, courts, media and in relation to other governmental agencies and entities. In addition, you provide legal and policy advice in the development and implementation of regional plans and strategies to address lead sites. You do not have any EPA duties that involve or pertain to any EPA grants or contracts.

According to your request, the position requires overseeing one court clerk and responsibility for the operation of the *FOIA ex. b.* for the *FOIA ex. b.* The municipal court hears violations of city ordinances on information filed by a City Prosecutor. The violations are criminal in nature and range from traffic violations to domestic violence. You state that the position requires an average of 12 to 16 hours per month depending on the number of cases filed and that all activities performed for this position would be outside normal duty hours. In addition, your current compensation for this position is *FOIA ex. b.* per month.

Based on the information provided me, I approve this request. You should review the Standards of Ethical Conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. § 2635.702(b), which prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another.



DIAX 6

DIAX 6 a local non-profit organization whose overall purpose is to connect environment, economy and community. Ex 6 has a number of programs and several affiliates, all of which undertake various projects focused on environmental improvements. You state that you were elected to serve on the steering committee of the Ex 6 by members of the organization. Steering committee members provide leadership for the group and approve plans and budgets for various activities. You also serve on the Ex 6 program planning committee, a group which plans one tour/networking event per month throughout the year. You also serve as the Ex 6 liaison to the Ex 6. Liaisons from the various programs and affiliates can attend board meetings, provide information on their organization's activities and report information on board actions to their groups. You do not vote.

In addition, you state that steering committee and program committee meetings each are 1.5 hours in length and occur over the noon hour once a month. You take leave to attend these meetings. Ex 6 board meetings generally occur after normal business hours or you take leave to attend. You perform this activity voluntarily and you are not compensated. In addition, you state that Ex 6 does not hold any active or open Region 7 grants.

Based on the information provided me, I approve this request. You should review the Standards of Ethical Conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. § 2635.702(b), which prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another.

You cannot represent this outside organization back to the Government on any matter (even on matters that you're not personally working on in your official capacity, or even to non-EPA agencies). Two criminal statutes, 18 U.S.C. §§ 203 and 205, prevent federal employees from representing any outside entity, with or without compensation, back to the federal government, in any matter in which the United States is a party or has an interest. When you participate in matters on behalf of an outside organization with which you are affiliated in your outside capacity, you must be careful to ensure that your participation is on a personal level, not on behalf of EPA, and never to another federal official on behalf of the outside entity. You are not representing EPA in your outside capacity. In addition, even where there is no clear violation of the statutory or regulatory limitations, the appearance of using public office for private gain must be avoided.

In addition, an employee is prohibited by a criminal statute, 18 U.S.C. 208(a), from participating personally and substantially in an official capacity in any particular matter in which he, or any person whose interests are imputed to him under this statute has a financial interest, if the particular matter will have a direct and predictable effect on that interest.

April 26, 2011

**MEMORANDUM**

**SUBJECT:** Request for Approval of Outside Activity

**FROM:** Kerry Herndon, WWPD *Kerry Herndon*

**THROUGH:** Karen Flournoy, Acting Director, WWPD *Karen Flournoy*

**TO:** William W. Rice, Deputy Ethics Official

**ATTENTION:** Karina Borromeo, Assistant Deputy Ethics Official

This memo is to request approval to participate on the Steering Committee of the Environmental Excellence Business Network. The Environmental Excellence Business Network (EEBN) is a network of environmental professionals and business people who share a common goal: making sustainable business decisions that protect our natural resources and make good business sense. The following is information required by 5 CFR § 6401.103.

**(1) Employees Name, Title & Grade and detailed description of EPA job duties:** Kerry B. Herndon, Environmental Scientist, GS-14. As the Sustainable Water Infrastructure (SI) Coordinator for Region 7, my duties include serving as a liaison with the Office of Water to coordinate Region 7's SI work with the Agency's Strategic Goals and communicate the Region's activities and progress. I also manage a cross-program Sustainable Infrastructure Work Group whose purpose is to plan and implement initiatives that will assist communities in developing sustainable water and wastewater systems and encourage the use of green infrastructure as a method of rainwater management. A final component of my job description is to build and sustain partnerships with internal and external individuals and organizations to accomplish the Region's SI mission. I do not manage grants in any of these roles.

**(2) Nature of the outside activity:** The EEBN operates as a program of Bridging The Gap (BTG), a local non-profit organization whose overall purpose is to connect environment, economy and community. BTG has a number of programs and several affiliates, all of which undertake various projects focused on environmental improvements. I was elected to serve on the Steering Committee of the EEBN by members of the organization. Steering Committee members provide leadership for the group and approve plans and budgets for various activities, most of which are learning events/tours of local businesses or government projects that have successfully implemented sustainable buildings or practices. I also serve on the EEBN Program Planning Committee, a group which plans one tour/networking event per month throughout the year. Finally, I serve as the EEBN Liaison to the BTG Board. Liaisons from the various programs and affiliates can attend board meetings, provide information on their organization's activities and report information on board actions to their groups. They do not vote. There is no compensation for any of this work.

**(3) Name of person or organization for which the work will be done:** The EEBN.

**(4) The estimated time devoted to the activity:** Steering Committee Meetings and Program Committee Meetings each are 1.5 hours in length and occur over the noon hour once per month. I take leave to participate in these meetings in addition to my lunch break. BTG Board Meetings generally occur after hours or I take leave to attend.

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes; and the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950.

Lastly, you are reminded that under the regulations in Part 2635, you must undertake outside employment activities only on your own time (including duly approved leave), away from EPA premises, and *without* the use of any governmental personnel or government property such as telephones, office supplies, or office machines. Using Government office equipment for commercial purposes or in support of other "for profit" activities such as outside employment or businesses is not a permissible activity under EPA's Policy on Limited Personal Use of Government Office Equipment. <http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/2101-0.pdf> In addition, any leave or credit time which you elect to take must be requested and approved in advance by your supervisor.

This approval to participate on the steering committee of the ~~EXC~~ will remain in effect for one year or for the duration of time that you engage in this particular activity, whichever is shorter. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity. Please also notify me if there are any changes in your EPA job duties that might affect this determination.

Please call Karina Borromeo, Assistant Deputy Ethics Official, at (913) 551-7675 if you have any questions.

#### Attachments

cc: Request for Approval of Outside Activity File  
Jamie Green, Acting Deputy Director, WWPD  
Karen Flournoy, Acting Director, WWPD

Please call Karina Borrromeo, Assistant Deputy Ethics Official, at (913) 551-7675 if you have any questions.

Attachments

cc: Request for Approval of Outside Activity File  
Gene Gunn, Chief, SPEB/SUPR  
Robert Jackson, Deputy Director, SUPR  
Cecilia Tapia, Director, SUPR

- Keeping informed on the status and progress of work within the Division, in order to determine that the Division's goals and objectives are being met; and
- Determining priorities when conflicts or other problems of the Division arise; making decisions in the absence of the Division Director; coordinating changes in Division activities scheduling to assure cost effective commitment of Division resources on a continuing basis.

Manages the Region's Quality Assurance Program and works with each program Division to ensure quality practices for data collection are in place, and directly supervises the Quality Assurance Team

Manages the National Environmental Policy Act (NEPA) program and ensures its proper implementation through federally-funded projects with states, Tribes, other federal and state agencies, and internal EPA programs, and directly supervises the NEPA team.

- (2) **Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected. If without compensation, so state;**

I wish to serve as an FOIA EX 6 with EX 6, teaching a class through their Accelerated on-campus program, evenings at EX 6 in EX 6. Currently, the class is scheduled for Spring I session, Monday evenings, from 5:30 – 10:00 pm. This is the only class for which I am seeking approval, and is currently only anticipated to be offered once in the year.

The class is as Special Topics Course in Physical Geography (also cross posted as Special Topics in Biology, Chemistry and Natural Sciences) entitled, US Environmental Regulations, and limited to eight students. It is not a policy class, rather it serves to outline major environmental legislation. A copy of the draft syllabus is attached.

Compensation for the teaching the 3 credit course is EX 6, payable at the completion of the semester, according to the University's remuneration schedule for adjunct instructors.

- (3) **The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);**

FOIA EX 6. The two professors who are responsible for the program are listed below:



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

MAR 27 2012

**MEMORANDUM**

**SUBJECT:** Request for Approval of Outside Activity

**FROM:** *EX. 6*, Ph.D., Chief  
SPES/SUPR *EX. 6*

**THRU:** Gene Gunn, Chief *Gunn*  
SPEB/SUPR

**TO:** Mark Hague  
Deputy Ethics Official

Karina Borromeo  
Assistant Deputy Ethics Official

I currently work in the EPA Region 7 Superfund Division as the Section Chief of the Special Emphasis Remedial Section (SPES). This GS-14 supervisory environmental scientist position consists of managing a team of scientists, engineers, and environmental specialists involved in the characterization and remediation of Superfund sites with a primary focus on mining/lead projects in Kansas and Nebraska. Management functions include the oversight of planning funding, setting goals and priorities, assuring the achievement of environmental targets, and reporting information updates to the public, elected officials, and other stakeholders.

My desired outside activity is working as a *EX. 6* in the *FOIA EX. 6*. This position involves lecturing, leading field trips, and grading assignments. I would like to teach a two week summer course in May 2012 titled Environmental Science 310 - Field Experience in Waste Management. The primary focus of this course is to lead students in a field situation and expose them to varying environmental projects and individuals associated with these projects. The course will also involve some amount of lecturing, answering questions, and grading students based on an evaluation of writing assignments and class participation.

This three credit hour course includes a combination of lectures and field trips with a projected compensation of approximately *EX. 6* per credit hour *EX. 6*. The course will be taught during normal duty hours and will thus require approximately 10 days of leave usage. No official duty time, Government property/resources, or facilities not available to the general public will be used in connection with this outside activity. I am familiar with, and will abide by, the restrictions described in 5 CFR Part 2635 and § 6401.102 and am not involved with any grants or contracts with *EX. 6*.



I was granted permission to teach this same course at ~~Ux~~ in 2011 and hope to teach the course in the summer of 2012. Thank you for considering my outside activity request. Please contact me at extension x7626 if you have any questions or need additional information.



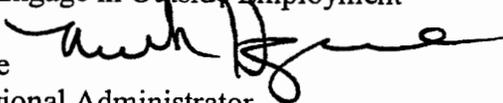
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7

11201 Renner Boulevard  
Lenexa, Kansas 66219

JAN 25 2013

MEMORANDUM

SUBJECT: Request to Engage in Outside Employment

FROM: Mark Hague   
Deputy Regional Administrator  
Deputy Ethics Official

TO: FOIA ex 6  
Deputy Division Director  
Environmental Services Division (ENSV)

This is in response to your January 9, 2013, written request for approval to serve as an EX 6 with FOIA ex 6 through their accelerated on-campus program. EPA's Supplemental Standards of Ethical Conduct regulations at 5 C.F.R. § 6401.103(a)(3) require Government employees to obtain approval from their Deputy Ethics Official before engaging in certain types of outside activities, with or without compensation.

You serve as the Deputy Division Director of the Environmental Service Division. As the Deputy Division Director, you assist the Director in planning, organizing, directing, controlling, and coordinating the Division's program/functions which are set out in the Division's functional statement. Those functions include providing critical regional support such as laboratory analysis, ambient air and water monitoring, risk assessment, compliance inspections, GIS products, NEPA reviews, and quality assurance activities. You assist the Director with the following activities: coordinating the program and work planning activities of the Division; establishing and managing a Division budget; formulating and executing short and long range plans for optimum utilization of personnel, facilities, and funds; initiating and establishing internal operating procedures and policies; anticipating needs, requirements, problems, developments and trends so the new programs can be planned and integrated with the current total program; keeping informed on the status and progress of work within the Division in order to determine that the Division's goals and objectives are being met; and determining priorities when conflicts or other problems of the Division arise.

The activity involves teaching a Special Topics Course in Physical Geography entitled U.S. Environmental Regulations. The course, which is scheduled for the 2013 Spring I session (January – March), is an abbreviated journey through the history of environmental protection in the United States, tracing its roots from both Native American and Colonial society up through modern days. The course will also focus on particular events and movements that resulted in the major environmental regulations.

Over the course of the semester, eight classes of approximately 4 ½ hours each will occur on Monday evenings. You estimate an additional 8-12 hours on grading assignments and 2 hours per week for minor updates to course materials. You state that the work will be performed entirely outside normal duty



hours using your own personal equipment. You state that compensation for teaching this course will be approximately Exb.

Based on the information provided me, I approve this request. You should review the Standards of Ethical Conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. § 2635.702(b), which prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another. Note also that you shall not use or permit the use of your official title or position to identify yourself in connection with teaching except that you may include or permit the inclusion of your title or position as one of several biographical details provided that your title and position is given no more prominence than other significant biographical details. 5 C.F.R. § 2635.807(a)(3)(b).

You cannot represent this outside organization back to the Government on any matter (even on matters that you're not personally working on in your official capacity, or even to non-EPA agencies). Two criminal statutes, 18 U.S.C. §§ 203 and 205, prevent federal employees from representing any outside entity, with or without compensation, back to the federal government, in any matter in which the United States is a party or has an interest. When you participate in matters on behalf of an outside organization with which you are affiliated in your outside capacity, you must be careful to ensure that your participation is on a personal level, not on behalf of EPA, and never to another federal official on behalf of the outside entity. You are not representing EPA in your outside capacity.

In addition, an employee is prohibited by a criminal statute, 18 U.S.C. 208(a), from participating personally and substantially in an official capacity in any particular matter in which she, or any person whose interests are imputed to her under this statute has a financial interest, if the particular matter will have a direct and predictable effect on that interest.

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes; and the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950.

Lastly, you are reminded that under the regulations in Part 2635, you must undertake outside employment activities only on your own time (including duly approved leave), away from EPA premises, and *without* the use of any governmental personnel or government property such as telephones, office supplies, or office machines. Using Government office equipment for commercial purposes or in support of other "for profit" activities such as outside employment or businesses is not a permissible activity under EPA's Policy on Limited Personal Use of Government Office Equipment. <http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/2101-0.pdf> In addition, any leave or credit time which you elect to take must be requested and approved in advance by your supervisor.

This approval to teach at Exb will remain in effect through the end of the 2013 Spring I Session. Please note that 5 C.F.R. § 2635.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity. Please also notify me if there are any changes in your EPA job duties that might affect this determination.

Please call Karina Borromeo, Assistant Deputy Ethics Official, at (913) 551-7675 if you have any questions.

Attachment

cc: Request for Approval of Outside Activity File  
Ron Hammerschmidt, Director, ENSV



FOIA EX 6

FOIA EX 6

**(4) The estimated time to be devoted to the activity;**

Over the course of the semester, 8 classes of ~4.5 hours each will occur on Monday evenings (36 hours). Additional hours will be spent grading class assignments and a final on weekends (8-12 hours total). Minor updates to course materials will also occur requiring roughly 2 hours per week (total of 16). Over the course of 8 weeks, a total of 64-72 hours is expected.

**(5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);**

All work will be performed outside normal duty hours. There would be no leave of absence from my regular work schedule. The class is an evening class at *EX 6* University, scheduled for Monday evenings.

**(6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;**

I will not be using my official workspace, time or government property to perform these outside activities.

**(7) The basis for compensation (e.g., fee, per diem, per annum, etc.);**

The basis for compensation is *EX 6* University's remuneration schedule for adjunct instructors as depicted below:

**ADJUNCT FACULTY REMUNERATION SCHEDULE**  
(Effective January 1, 2011)

**NOTE: THE FACULTY PAYROLL CHECKS ARE DIRECT DEPOSITED INTO THE FACULTY MEMBER'S ACCOUNT THE FOURTH DAY AFTER THE END OF THE TERM.**

Adjunct Faculty - Level 1 Holds a Master's degree and has taught less than 15 courses with 8 or more students for Park University.

Adjunct Faculty - Level 2 Holds a Master's degree and has taught 15 or more courses with 8 or more students for Park University.

Adjunct Faculty - Level 3 Holds a Terminal degree and has taught less than 15 courses with 8 or more students for Park University.

Adjunct Faculty - Level 4 Holds a Terminal degree and has taught 15 or more courses with 8 or more students for Park University.

COURSE CREDIT HRS	Adjunct Faculty				GRAD.
	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	
1					
2					
3					
4					
5					
6					

FOIA Ex 6

- (8) **The employee's statement that he or she has read, is familiar with and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102; and**

I have read and will abide by the restrictions described in 5 CFR Part 2635 and 6401.102.

- (9) **An identification of any EPA assistance agreements, i.e., grants, or contracts held by a person to or for whom services would be provided.**

In discussion with Karen Stierli on December 28, 2012, she indicated that EPA does not currently have any assistance agreements with Exb University.

If you have questions regarding the information listed above, please contact me at x7146.

cc: Karina Borrromeo, CNSL

**Course** GGP 390 SpecTops in Geography:

**Semester** S1J 2013 PV

**Class Days** -M-----

**Class Time** 5:30 - 10:00 PM

**Credit Hours**3

**Textbook:**

Environmental Law in a Nutshell, 8th edition

Authors: Roger Findley and Daniel Farber

Publication Date: June 7, 2010

Publisher: West

ISBN: 978-0314233561

**Additional Resources:**

McAfee Memorial Library - Online information, links, electronic databases and the Online catalog. Contact the library for further assistance via email or at 800-270-4347.

Career Counseling - The Career Development Center (CDC) provides services for all stages of career development. The mission of the CDC is to provide the career planning tools to ensure a lifetime of career success.

Park Helpdesk - If you have forgotten your OPEN ID or Password, or need assistance with your PirateMail account, please email [helpdesk@park.edu](mailto:helpdesk@park.edu) or call 800-927-3024

Resources for Current Students - A great place to look for all kinds of information  
<http://www.park.edu/Current/>.

**Course Description:**

Environmental Regulations are a part of the world in which we live. They provide for the protection of human health and the environment, yet also pose responsibility on industry, agriculture, and even local, state and the Federal Government. Over the course of the semester we will take an abbreviated journey through the history of environmental protection in the United States, tracing its roots from both Native American and Colonial society up through modern days. After this brief trip we will reinsert ourselves back in history around particular events and movements that resulted in the major Environmental Regulations that are in the headlines today, the very same regulations which students are likely to encounter when they enter the workforce.

**Educational Philosophy:**

The instructor's philosophy is one of shared interaction and discussion, exploring concepts and ideas with an eye towards the reasons behind decisions, and application of those decisions. The instructor's style accommodates current events and allows for a degree of departure from the agenda to explore and discuss relevant topics. Required assignments are focused both on demonstrating knowledge of concepts as well as learning techniques for communicating technical information in a succinct yet compelling fashion.

## **Learning Outcomes:**

### **Core Learning Outcomes**

1. Discuss and examine a topic that is not normally offered as a formal class in geography.
2. Demonstrate a degree of competency via readings, discussions, and/or experimentation in the area of geography in which the course is offered.
3. Research the appropriate journals to write professionally in the area.
4. Master the instrumentation and laboratory skills required for the subject level.

### **Instructor Learning Outcomes**

1. After completing this course it is expected that the student will have a greater appreciation for the complexities surrounding the intersection of science, social issues, and law that is at the center of environmental regulation.
2. The course will enable the student to critically discuss environmental issues of today based on a solid foundation in the choices and decisions of the past.
3. Finally the course will provide students a vivid and rich background in the major environmental statutes and regulations.

### **Core Assessment:**

Papers, homework, reports, presentations, proficiency of lab work

### **Class Assessment:**

The Class will consist of traditional Instructor led lectures, with class interaction and group discussion surrounding topics identified by the instructor as well as the class. In addition to the assigned text, students will be required to develop three short essays on a list of topics provided at the first class (or on additional topics if mutually agreed upon by instructor and student). One of the essays will be on an additional text of the student's choosing, another based on a significant moment in environmental history, with the third centered on a recent article. In addition to these three essays, a final exam will be administered which serves as the capstone for the class to evaluate the student's proficiency in concepts taught during the semester and to determine whether the student's understanding of topics met the objectives of the class.

### **Grading:**

Essays 100 pts each 300 Final 100 pts 100 TOTAL 400 pts

### **Late Submission of Course Materials:**

Homework turned in late will be counted off 10% per day, so you have 10 days to submit it before it becomes worth 0 Points. Students missing class due to participation in athletic or other school-sponsored events will need to make arrangements prior to their absence.

### **Classroom Rules of Conduct:**

- Students are held responsible for acquiring all materials and information missed during a class session from another student.
- Wireless (cellular) phones and/or pagers must be either turned to

the silent mode (vibrate only) or OFF in the classroom. If you do receive notice of an emergency call/page quietly leave the classroom to make or receive a call in the hall or outside of the building. • The instructor will strive to create an informal and comfortable classroom environment for class discussion. However, this is an educational forum and the instructor expects students to act accordingly. Students will treat fellow students and the instructor with respect. • Computers make writing and revising much easier and more productive. Students must recognize though that technology can also cause problems. Printers run out of ink and hard drive crash. Students must be responsible for planning ahead and meeting deadlines in spite of technology. Be sure to save copies of your work to disk, hard drive, and print out paper copies for backup purposes. • Americans With Disabilities Act: Park University is on record as being committed to both the spirit and letter of federal equal opportunity legislation; reference Public Law 93112 – The Rehabilitation Act of 1973 as amended. With the passage of new federal legislation entitled Americans With Disabilities Act (ADA), pursuant to section 504 of The Rehabilitation Act, there is renewed focus on providing this population with the same opportunities enjoyed by all citizens. The instructors are required by law to provide “reasonable accommodation” to students with disabilities, so as not to discriminate on the basis of that disability. It is the students responsibility to inform the instructor at the beginning of the semester and in providing authorized documentation through designated administrative channels.

### **Course Topic/Dates/Assignments:**

#### Session- Date

- 1 -1/14 Introductions, History of Environmental Protection Pre Mid-20th Century
- 2 – 1/21 Endangered Species Act, Marine Mammal Protection Act, and the Migratory Bird Treaty Act
- 3 – 1/28 National Environmental Policy Act and the Council of Environmental Quality **1st**

#### **Paper Due**

- 4 – 2/4 Clean Air Act
- 5 – 2/11 Clean Water Act, Safe Drinking Water Act and Oil Pollution Act **2nd Paper Due**
- 6 – 2/18 Resource Conservation and Recovery Act, Comprehensive Environmental Response, Compensation and Liability Act, and Toxic Substances Control Act
- 7 – 2/25 Other Federal Environmental Laws and Regulations
- 8 – 3/4 State and Local Regulations, **3rd Paper Due & Final**

### **Academic Honesty:**

Academic integrity is the foundation of the academic community. Because each student has the primary responsibility for being academically honest, students are advised to read and understand all sections of this policy relating to standards of conduct and academic life. University students and faculty members are encouraged to take advantage of the University resources available for learning about academic honesty

FOIA EX 6

### **Plagiarism:**

Plagiarism involves the use of quotations without quotation marks, the use of quotations without indication of the source, the use of another's idea without acknowledging the source, the

submission of a paper, laboratory report, project, or class assignment (any portion of such) prepared by another person, or incorrect paraphrasing. from Ex 6 2011-2012  
Undergraduate Catalog Page 95

**Attendance Policy:**

Instructors are required to maintain attendance records and to report absences via the online attendance reporting system.

1. The instructor may excuse absences for valid reasons, but missed work must be made up within the semester/term of enrollment.
2. Work missed through unexcused absences must also be made up within the semester/term of enrollment, but unexcused absences may carry further penalties.
3. In the event of two consecutive weeks of unexcused absences in a semester/term of enrollment, the student will be administratively withdrawn, resulting in a grade of "F".
4. A "Contract for Incomplete" will not be issued to a student who has unexcused or excessive absences recorded for a course.
5. Students receiving Military Tuition Assistance or Veterans Administration educational benefits must not exceed three unexcused absences in the semester/term of enrollment. Excessive absences will be reported to the appropriate agency and may result in a monetary penalty to the student.
6. Report of a "F" grade (attendance or academic) resulting from excessive absence for those students who are receiving financial assistance from agencies not mentioned in item 5 above will be reported to the appropriate agency.

Ex 6 University 2011-2012 Undergraduate Catalog Page 98

**Disability Guidelines:**

Ex 6 University is committed to meeting the needs of all students that meet the criteria for special assistance. These guidelines are designed to supply directions to students concerning the information necessary to accomplish this goal. It is Ex 6 University's policy to comply fully with federal and state law, including Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, regarding students with disabilities. In the case of any inconsistency between these guidelines and federal and/or state law, the provisions of the law will apply. Additional information concerning Ex 6 University's policies and procedures related to disability can be found on the Ex 6 University web page: Ex 6



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7

11201 Renner Boulevard  
Lenexa, Kansas 66219

**JUL 15 2013**

**MEMORANDUM**

SUBJECT: Request for Approval of Outside Activity

FROM: *for* David Cozad *Becky Dolse*  
Deputy Ethics Official

TO: *EX 6*  
Superfund Branch  
Office of Regional Counsel

This is in response to your July 2, 2013, written request for approval to teach as an *EX 6* Law at *EX 6* School of Law in *EX 6*. EPA's Supplemental Standards of Ethical Conduct regulations at 5 C.F.R. § 6401.103(a)(3) requires Government employees to obtain approval from their Deputy Ethics Official before engaging in certain types of outside activities, with or without compensation.

As an EPA attorney, your duties include handling CERCLA cases and routine matters associated with such sites, cases, and projects. You also serve as the Bankruptcy Coordinator for Region 7, helping coordinate and connect other attorneys, programs, and divisions as they determine whether cases filed under the U.S. Bankruptcy Code require proofs of claim or other actions to preserve agency claims on debtor environmental obligations. You also engage in Environmental Conflict Resolution coordination and activities for the agency when requested and appropriate. You state that all of your activities center on Region 7.

In your request, you state that you would be working as an *EX 6* at *EX 6*. The name of the course you would teach is LAW 651 Natural Resources Law and you would teach during the Spring 2014 semester. According to your request, this course explores aspects of the law relating to natural resources such as land, air, and water. The course explores aspects of the law relating to natural resources from an energy perspective. You estimate your compensation for teaching this course to be

Based on the information provided me, I approve this request. You should review the Standards of Ethical Conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. § 2635.702(b), which prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another. Note also that you shall not use or permit the use of your official title or position to identify yourself in connection with teaching except that you may include or permit the inclusion of your



title or position as one of several biographical details provided that your title and position is given *no more prominence* than other significant biographical details. 5 C.F.R. § 2635.807(a)(3)(b).

You cannot represent this outside organization back to the Government on any matter (even on matters that you're not personally working on in your official capacity, or even to non-EPA agencies). Two criminal statutes, 18 U.S.C. §§ 203 and 205, prevent federal employees from representing any outside entity, with or without compensation, back to the federal government, in any matter in which the United States is a party or has an interest. When you participate in matters on behalf of an outside organization with which you are affiliated in your outside capacity, you must be careful to ensure that your participation is on a personal level, not on behalf of EPA, and never to another federal official on behalf of the outside entity. You are not representing EPA in your outside capacity. You cannot represent SIU back to EPA or the federal government.

In addition, an employee is prohibited by a criminal statute, 18 U.S.C. 208(a), from participating personally and substantially in an official capacity in any particular matter in which she, or any person whose interests are imputed to her under this statute has a financial interest, if the particular matter will have a direct and predictable effect on that interest. Under 18 USC § 208, the interests of any outside entity in which employees serve as an employee, officer, or director are imputed to them (the same as a spouse's or a dependent child's). When EPA employees are also employees of other outside organizations, they have to recuse themselves from engaging in official EPA duties in any way that will have a direct and predictable financial effect upon the interests of the non-federal entity, either as a specific party or as a member of a class. 5 CFR Part 2635, Subpart D. You must recuse yourself from any official EPA duties that in any way will have a direct and predictable financial effect upon the interests of SIU.

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes; and the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950.

Lastly, you are reminded that under the regulations in Part 2635, you must undertake outside employment activities only on your own time (including duly approved leave), away from EPA premises, and *without* the use of any governmental personnel or government property such as telephones, office supplies, or office machines. Using Government office equipment for commercial purposes or in support of other "for profit" activities such as outside employment or businesses is *not* a permissible activity under EPA's Policy on Limited Personal Use of Government Office Equipment. <http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/2101-0.pdf> You should not use your EPA email address for contact information on behalf of SIU; you will need to use your personal email address. In addition, any leave or credit time which you elect to take must be requested and approved in advance by your supervisor.

This approval to teach at EX6 University EX6 School of Law in EX6; will remain in effect for the duration of the course (Spring semester 2014) or for the duration of time that you engage in this particular activity, whichever is shorter. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity. Please also notify me if there are any changes in your EPA job duties that might affect this determination.

Note also, that you will have a one year covered relationship under the impartiality standards when you leave this outside position. This means that, for one year, you won't be able to work on specific party matters that involve this entity unless you obtain an impartiality determination from me.

Please call Karina Borrromeo, Assistant Deputy Ethics Official, at (913) 551-7675 if you have any questions.

Attachment

cc: Request for Approval of Outside Activity File  
Kristina Gonzales, Chief, Superfund Division, Office of Regional Counsel





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7

11201 Renner Boulevard  
Lenexa, Kansas 66219

MEMORANDUM

JUL 02 2013

**SUBJECT:** Request for Approval of Outside Activity

**FROM:** FOIA ex b  
Office of Regional Counsel

**THRU:** Kristina Gonzales, Chief  
Superfund Branch, Office of Regional Counsel

**TO:** David Cozad, Deputy Ethics Official/Regional Counsel  
Office of Regional Counsel

**ATTN:** Karina Borromeo, Assistant Deputy Ethics Official  
Office of Regional Counsel

I am seeking rapid approval for certain outside activities by providing the information required by 5 C.F.R. § 6401.103. This includes:

Name, Title, Grade, and Job Responsibilities:

FOIA ex b, Attorney-Adviser, GS14. My detailed duties as an EPA attorney are as follows:

- a) Superfund attorney handling CERCLA cases and routine matters associated with such sites, cases, and projects.
- b) Bankruptcy Coordinator for Region 7, helping coordinate and connect other attorneys, programs, and divisions as they determine whether cases filed under the U.S. Bankruptcy Code require proofs of claim or other actions to preserve agency claims on debtor environmental obligations. My activities center on Region 7.
- c) Environmental Conflict Resolution coordination and activities for the agency when requested and appropriate.

Other Employment Activity Overview:

I am seeking clearance to be an FOIA ex b at FOIA ex b. The initial course just offered to me for the Spring 2014 semester is FOIA ex b Natural Resources Law. Other possible natural resource courses were offered but such courses are too distant in the future and/or impractical to consider for purposes of this memo.



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- Ex 6 explores aspects of the law relating to natural resources such as land, air, and water. The handbook says the course explores aspects of the law relating to natural resources from an energy perspective. It is said to be a survey-style course covering the same basic themes as any ABA-accredited law school course of the same title and content. The course was last taught Spring 2010.

The FDA Ex 6 expected compensation would be Ex 6 per three hour semester course. This would be the compensation for Ex 6

The estimated time to be devoted to the activity, based on my prior history of teaching before federal employment, would be about five hours a week outside of class plus three hours in class. There would be no immediate teaching services until January of 2014.

I fully anticipate all of this activity to be easily executed outside of normal duty hours. Spring semester services would begin about mid-January, 2014. Preliminary times for the course are expected to be Mondays from 6:30 p.m. to 9:00 p.m. to accommodate my schedule and not be an impediment to my federal employment.

No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment sought in this request.

The likely basis for compensation would be either a monthly or once a semester payment for services rendered totaling the expected amount per three hour course.

Ex 6 is in Region 5, not Region 7 where my work responsibilities reside. Ex 6 is a national research university with periodic agency assistance agreements in the past. In a recent scan, one narrow research grant was found to exist. The Ex 6 has no known grants, contracts, or assistance agreements.

I have read, and am familiar with and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102. I also agree to update my supervisor and the deputy ethics officials if such adjunct opportunities above materially change from the timekeeping expectations I anticipated above.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

APR 30 2012

**MEMORANDUM**

SUBJECT: Request for Approval of Outside Activity

FROM: David Cozad *David Cozad 4/30/12*  
Deputy Ethics Official

TO: *FOIA Ex 6*, Attorney  
Superfund Branch (SUPR)  
Office of Regional Counsel (CNSL)

This is in response to your April 9, 2012, request to serve as a *FOIA Ex 6* EPA's Supplemental Standards of Ethical Conduct regulations at 5 C.F.R. § 6401.103(a)(2) requires employees to obtain approval from their Deputy Ethics Official before engaging in outside activities, with or without compensation, that involves the practice of a profession as defined in 5 C.F.R. § 2626.305(b)(1). The *Ex 6* requires that its *Ex 6* be an attorney.

As an EPA attorney, you work with program offices to enforce, defend, and implement federal environmental laws and regulations in accordance with EPA policies and priorities. You review and provide opinions and advice on legal and policy issues and represent the Agency on environmental issues as a legal and enforcement official before the public, courts, media and in relation to other governmental agencies and entities. In addition, you provide legal and policy advice in the development and implementation of regional plans and strategies to address lead sites. You do not have any EPA duties that involve or pertain to any EPA grants or contracts.

According to your request, the position requires overseeing one court clerk and responsibility for the operation of the municipal court for the *Ex 6*. The *Ex 6* hears violations of city ordinances on information filed by a City Prosecutor. The violations are criminal in nature and range from traffic violations to domestic violence. You state that the position requires an average of 12 to 16 hours per month depending on the number of cases filed and that all activities performed for this position would be outside normal duty hours. In addition, your current compensation for this position is per month.

Based on the information provided me, I approve this request. You should review the Standards of Ethical Conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. § 2635.702(b), which prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably



be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another.

You cannot represent this outside organization back to the Government on any matter (even on matters that you're not personally working on in your official capacity, or even to non-EPA agencies). Two criminal statutes, 18 U.S.C. §§ 203 and 205, prevent federal employees from representing any outside entity, with or without compensation, back to the federal government, in any matter in which the United States is a party or has an interest. When you participate in matters on behalf of an outside organization with which you are affiliated in your outside capacity, you must be careful to ensure that your participation is on a personal level, not on behalf of EPA, and never to another federal official on behalf of the outside entity. You are not representing EPA in your outside capacity.

In addition, an employee is prohibited by a criminal statute, 18 U.S.C. 208(a), from participating personally and substantially in an official capacity in any particular matter in which he, or any person whose interests are imputed to him under this statute has a financial interest, if the particular matter will have a direct and predictable effect on that interest.

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes; and the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950.

Lastly, you are reminded that under the regulations in Part 2635, you must undertake outside employment activities only on your own time (including duly approved leave), away from EPA premises, and *without* the use of any governmental personnel or government property such as telephones, office supplies, or office machines. Using Government office equipment for commercial purposes or in support of other "for profit" activities such as outside employment or businesses is not a permissible activity under EPA's Policy on Limited Personal Use of Government Office Equipment. <http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/2101-0.pdf> In addition, any leave or credit time which you elect to take must be requested and approved in advance by your supervisor.

This approval to serve as EX 6 for the EX 6 will remain in effect for one year or for the duration of time that you engage in this particular activity, whichever is shorter. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity. Please also notify me if there are any changes in your EPA job duties that might affect this determination.

Please call Karina Borromeo, Assistant Deputy Ethics Official, at (913) 551-7675 if you have any questions.

Attachment

cc: Request for Approval of Outside Activity File

April 9, 2012

**MEMORANDUM**

SUBJECT: Request for Approval of Outside Activity

FROM: FOIA EX 6  
Office of Regional Counsel

THROUGH: Kristina Gonzales VCG  
Superfund Branch  
Office of Regional Counsel

TO: David Cozad  
Deputy Ethics Official

ATTENTION: Karina Borromeo  
Assistant Deputy Ethics Official

I am requesting approval for work outside the U.S. Environmental Protection Agency (EPA) as a FOIA EX 6 for the FOIA EX 6

Name: FOIA EX 6

Title: Attorney Advisor, GS-905-15

Job Duties: My job duties include working with program offices to enforce, defend, and implement federal environmental laws and regulations in accordance with EPA policies and priorities. I review and provide opinions and advice on legal and policy issues. I represent the Agency on environmental issues as a legal and enforcement official before the public, the courts, the media and in relations with other governmental agencies and entities. In addition, I provide legal and policy advice and input in the development and implementation of regional plans and strategies to address lead sites.

Nature of outside activities: FOIA EX 6 The job requires overseeing one court clerk and responsibility for the operation of the EX 6 for the FOIA EX 6 The EX 6 hears violations of city ordinances on informations filed by a City prosecutor. The violations are criminal in nature and range from traffic violations to domestic violence. Current compensation for this position is EX 6 per month. The work is performed for the FOIA EX 6 who is the only client (or customer). The position requires an average of 12 to 16 hours per month depending on the number of cases filed and all services are performed outside of normal duty hours. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this position.

I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102. I am not aware of any EPA assistance agreement, grant or contract held by the City of Lake Waukomis.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7

11201 Renner Boulevard  
Lenexa, Kansas 66219

MAR - 5 2013

MEMORANDUM

SUBJECT: Request for Approval of Outside Activity

FROM: David Cozad *Deq 3/5/13*  
Deputy Ethics Official

TO: *FOIA Ex 6*  
Assistant Regional Counsel

This is in response to your February 20, 2013, written request for approval to teach two business courses to graduate students through an accelerated online degree program with *FOIA Ex 6* in *Ex 6*. During the course of two 5 week terms from approximately April 1 through June 15, 2013, you have been requested to teach "Modeling and Decision Making" and "Integrative Capstone Project". EPA's Supplemental Standards of Ethical Conduct regulations at 5 C.F.R. § 6401.103(a)(3) requires Government employees to obtain approval from their Deputy Ethics Official before engaging in certain types of outside activities, with or without compensation.

As an EPA attorney, your duties include civil administrative litigation, primarily in FIFRA, SDWA, RCRA, CAA/RMP and TSCA. You describe the "Modeling and Decision Making" course as introducing students to managerial decision theory as well as advanced modeling and backcasting/forecasting techniques. Topics include structuring decisions, evaluating alternatives, making tradeoffs, risk avoidance, cost containment and contingency planning. You describe the "Integrative Capstone Project" as one which allows students to demonstrate a functional and integrative knowledge of the multiple and fundamental dimensions associated with sustainable business management. Project participation grants students the opportunity to reflect on graduate learning, expressing deep knowledge and applying leadership research in a meaningful and enduring way. You estimate that approximately 12-15 hours per week will be devoted to these activities and that the work will be performed outside of normal duty hours.

Based on the information provided me, I approve this request. You should review the Standards of Ethical Conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. § 2635.702(b), which prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another. Note also that you shall not use or permit the use of your official title or position to identify yourself in connection with teaching except that you may include or permit the inclusion of your title or position as one of several biographical details provided that your title and position is given no more prominence than other significant biographical details. 5 C.F.R. § 2635.807(a)(3)(b).



You cannot represent this outside organization back to the Government on any matter (even on matters that you're not personally working on in your official capacity, or even to non-EPA agencies). Two criminal statutes, 18 U.S.C. §§ 203 and 205, prevent federal employees from representing any outside entity, with or without compensation, back to the federal government, in any matter in which the United States is a party or has an interest. When you participate in matters on behalf of an outside organization with which you are affiliated in your outside capacity, you must be careful to ensure that your participation is on a personal level, not on behalf of EPA, and never to another federal official on behalf of the outside entity. You are not representing EPA in your outside capacity.

In addition, an employee is prohibited by a criminal statute, 18 U.S.C. 208(a), from participating personally and substantially in an official capacity in any particular matter in which she, or any person whose interests are imputed to him under this statute has a financial interest, if the particular matter will have a direct and predictable effect on that interest.

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes; and the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950.

Lastly, you are reminded that under the regulations in Part 2635, you must undertake outside employment activities only on your own time (including duly approved leave), away from EPA premises, and *without* the use of any governmental personnel or government property such as telephones, office supplies, or office machines. Using Government office equipment for commercial purposes or in support of other "for profit" activities such as outside employment or businesses is not a permissible activity under EPA's Policy on Limited Personal Use of Government Office Equipment. <http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/2101-0.pdf> In addition, any leave or credit time which you elect to take must be requested and approved in advance by your supervisor.

This approval to teach at ~~FOIA Ex 6~~ university will remain in effect for the duration of these two 5 week terms. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity. Please also notify me if there are any changes in your EPA job duties that might affect this determination.

Please call Karina Borromeo, Assistant Deputy Ethics Official, at (913) 551-7675 if you have any questions.

Attachments

cc: Request for Approval of Outside Activity File

**MEMORANDUM**

**FEB 20 2013**

SUBJECT: Request for Approval of Outside Activity

FROM: FOIA EX 6

THROUGH: Kent Johnson 

TO: Dave Cozad

CC: Karina Borrromeo

Following are my answers to the questions concerning approval for outside work:

- (1) Employee's name, title and grade;  
EX 6, Assistant Regional Counsel, GS-14
- (2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected. If without compensation, so state;  
The position is a FOIA EX 6 for an accelerated online MBA degree program. I will be paid approximately \$ EX 6 per 5 week session, with the next one scheduled to run from approximately April 1 through May 4, 2013.
- (3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);  
FOIA EX 6
- (4) The estimated time to be devoted to the activity;  
12 - 15 hours a week.
- (5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);  
The work will be performed entirely outside of normal duty hours.
- (6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;  
I affirm that no official duty time or Government property, resources or facilities not available to the general public will be used in connection with my outside employment.
- (7) The basis for compensation (e.g., fee, per diem, per annum, etc.);  
Fee per completing a 5-week course.

(8) The employee's statement that he or she has read, is familiar with and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102; and I affirm that I have read, am familiar with, and will abide by the restrictions in 5 CFR §§ 2635 and 6401.102.

(9) An identification of any EPA assistance agreements, i.e., grants, or contracts held by a person to or for whom services would be provided.  
EX6 ; who works in faculty development at EX6 has confirmed with me that EX6 does not currently have a grant or contract with EPA.

Addendum to 2/20/2013 Request for Approval of Outside Activity: EB

I will be teaching the following courses over the course of two 5-week terms, from approximately April 1 through June 15, 2013:

*Modeling and Decision Making*

*The ability to achieve successful business results depends on sound decision-making processes. This integrative course introduces students to managerial decision theory as well as advanced modeling and backcasting/forecasting techniques. Topics include structuring decisions, evaluating alternatives, making tradeoffs, risk avoidance, cost containment, and contingency planning. This course develops the analytical planning, modeling and backcasting/forecasting skills allowing managers to decide in uncertain environments. Particular emphasis is placed upon gaining a deep understanding on the forces resulting from the constructs associated with the triple-bottom line and beyond.*

*Integrative Capstone Project*

*In the Capstone course, students establish a link between their studies, their interests, and the business world at large. The course results in reflective work that explores and expresses the highest standard of graduate research. The Capstone Project allows students to demonstrate a functional and integrative knowledge of the multiple and fundamental dimensions associated with sustainable business management. Project participation grants students the opportunity to reflect on graduate learning, expressing deep knowledge and applying leadership research in a meaningful and enduring way. Particular emphasis is placed upon project management skills and learners' ability to effectively implement a final project involving collaboration with an organization of their choice, toward the development of a sustainable initiative.*





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7

11201 Renner Boulevard  
Lenexa, Kansas 66219

AUG 29 2013

MEMORANDUM

SUBJECT: Request for Approval of Outside Activity

FROM: David Cozad *David Cozad 8/29/13*  
Deputy Ethics Official

TO: *FOIA EX 6*  
Water Branch  
Office of Regional Counsel

This is in response to your August 26, 2013, written request for approval to teach a business course for an accelerated online graduate degree program as a *FOIA EX 6*. EPA's Supplemental Standards of Ethical Conduct regulations at 5 C.F.R. § 6401.103(a)(3) requires Government employees to obtain approval from their Deputy Ethics Official before engaging in certain types of outside activities, with or without compensation. I am writing to confirm that you may engage in this outside activity provided that you follow the parameters below. These parameters ensure that your activities do not conflict with your professional responsibilities as a public servant and that your activities are consistent with the Standards of Ethical Conduct for Employees of the Executive Branch. You should also review the Standards of Ethical Conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities.

Background

As an attorney in the Office of Regional Counsel, you work mainly in the areas of Clean Water Act enforcement and counseling.

In your request, you state that you would teach for *EX 6* University in *EX 6*. The position is as a part-time adjunct faculty member for an accelerated online graduate degree program. You would teach *EX 6* to graduate students. The course is described as a practical survey of business law geared towards providing busy managers with a solid grasp of key legal concepts and principles that they are likely to encounter in their workday world. Students learn that successful management of business relationships rarely involves hiding behind clever legal strategies. The benefits of legal action must be weighed against the risks and costs of litigation. Topics include the legal environment, contracts, commercial transactions, and business organizations.

You state that you will be paid *EX 6* for each 5 week session. You have taught this class for the past six years. There are a total of eight five-week terms throughout the school year; two terms in the Fall, two in the Winter, two in the Spring and two in the Summer. At this time, you have been offered to teach one class in the first 2013 Fall term and one class in the second 2013 Fall term. In the past, you

have taught one or two classes in most, but not all, of the five-week terms. It just depends on how many students sign up for the class.

#### Parameters to follow in your personal capacity

You cannot represent this organization back to EPA or the Federal Government on any matter (even on matters that you're not personally working on in your official capacity, or even to non-EPA agencies). Two criminal statutes, 18 U.S.C. §§ 203 and 205, prevent federal employees from representing any outside entity, with or without compensation, back to the federal government, in any matter in which the United States is a party or has an interest. When you participate in matters on behalf of an outside organization with which you are affiliated in your outside capacity, you must be careful to ensure that your participation is on a personal level, not on behalf of EPA, and never to another federal official on behalf of the outside entity. You must be mindful of not tangibly interacting, representing (which includes signing documents) or communicating on behalf of this organization back to EPA or the Federal government.

Several misuse of position principles prohibit you from using your EPA position, title and authority during the course of conducting the outside activity. Please note in particular 5 C.F.R. § 2635.702(b), which prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another. Note also that you shall not use or permit the use of your official title or position to identify yourself in connection with teaching except that you may include or permit the inclusion of your title or position as one of several biographical details provided that your title and position is given *no more prominence* than other significant biographical details. 5 C.F.R. § 2635.807(a)(3)(b).

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes; and the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950. Specifically, an executive branch employee must comply with two rules when fundraising in a personal capacity:

- An employee may not use or permit the use of the employee's official Government title, position, or any authority associated with his or her office to further a fundraising effort.
- An employee may not request funds or other support from a subordinate or from a person whom the employee knows to be a "prohibited source" (as defined in 5 C.F.R. §2635.203) even if the employee does not refer to his or her official Government title or position. "Prohibited source" is defined as any entity or person who is doing business with the Agency, seeks to do business with the Agency or is regulated by the Agency. This does not mean that you cannot be involved in fundraising generally. You can still come up with a list of names of possible targets, write the letters, etc., but you should not be the person who signs the letter or makes the fundraising pitch directly.

Lastly, you are reminded that under the regulations in Part 2635, you must undertake outside employment activities only on your own time (including duly approved leave), away from EPA premises, and *without* the use of any governmental personnel or government property such as telephones, office supplies, or office machines. Using Government office equipment for commercial purposes or in support of other "for profit" activities such as outside employment or businesses is *not* a

permissible activity under EPA's Policy on Limited Personal Use of Government Office Equipment. <http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/2101-0.pdf> You should not use your EPA email address or phone number as contact information for this outside activity; you will need to use your personal email address and phone number. In addition, any leave or credit time which you elect to take must be requested and approved in advance by your supervisor.

#### Parameters to follow while conducting official EPA duties and responsibilities

In addition, an employee is prohibited by a criminal statute, 18 U.S.C. 208(a), from participating personally and substantially in an official capacity in any particular matter in which she, or any person whose interests are imputed to her under this statute has a financial interest, if the particular matter will have a direct and predictable effect on that interest. Under 18 U.S.C. § 208, the interests of any outside entity in which EPA employees serve as an employee, officer, or director are imputed to them (the same as a spouse's or a dependent child's). When EPA employees are also employees of other outside organizations, they have to recuse themselves from engaging in official EPA duties in any way that will have a direct and predictable financial effect upon the interests of the non-federal entity, either as a specific party or as a member of a class. 5 C.F.R. Part 2635, Subpart D. You must recuse yourself from any official EPA duties that in any way will have a direct and predictable financial effect upon the interests of this organization.

#### Conclusion

This approval to teach ~~FOIA EX 6~~ will remain in effect for one year or for the duration of time that you engage in this particular activity, whichever is shorter. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity. Please also notify me if there are any changes in your EPA job duties that might affect this determination.

Note also, that you will have a one year covered relationship under the impartiality standards when you leave this outside position. This means that, for one year, you won't be able to work on specific party matters that involve this entity unless you obtain an impartiality determination from me.

Please call Karina Borrromeo, Assistant Deputy Ethics Official, at (913) 551-7675 if you have any questions.

Attachment

cc: Request for Approval of Outside Activity File



MEMORANDUM

SUBJECT: Request for Approval of Outside Activity

FROM: FOIA Ex b 8.26.13

TO: Dave Cozad

Following are my answers to the questions concerning approval for outside work:

(1) Employee's name, title and grade;  
FOIA Ex b Assistant Regional Counsel, GS-14. I am an attorney-advisor who works mainly in the areas of Clean Water Act enforcement and counseling.

(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected. If without compensation, so state;  
The position is a part-time adjunct faculty member for an accelerated online undergraduate degree program. I would teach EX b to graduate students. A description of the course from the syllabus follows.

This course is a practical survey of business law geared towards providing busy managers with a solid grasp of key legal concepts and principles that they are likely to encounter in their workaday world. Students learn that successful management of business relationships rarely involves hiding behind clever legal strategies. The benefits of legal action must be weighed against the risks and costs of litigation. Topics include the legal environment, contracts, commercial transactions, and business organizations.

I will be paid EX b for each 5 week session. I have taught this class for the past six years. There are a total of eight five-week terms throughout the school year; two terms in the Fall, two in the Winter, two in the Spring, and two in the Summer. At this time, I have been offered to teach one class in the first 2013 Fall term and one class in the second 2013 Fall term. In the past, I have taught one or two classes in most, but not all, of the five-week terms. It just depends on how many students sign up.

(3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);  
EX b

(4) The estimated time to be devoted to the activity;  
12 – 15 hours a week (when courses are in session).

(5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);

The work will be performed entirely outside of normal duty hours.

- (6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;  
I affirm that no official duty time or Government property, resources or facilities not available to the general public will be used in connection with my outside employment.
- (7) The basis for compensation (e.g., fee, per diem, per annum, etc.);  
Fee per completing a 5-week course.
- (8) The employee's statement that he or she has read, is familiar with and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102; and  
I affirm that I have read, am familiar with, and will abide by the restrictions in 5 CFR §§ 2635 and 6401.102.
- (9) An identification of any EPA assistance agreements, i.e., grants, or contracts held by a person to or for whom services would be provided.  
EX6 who works in faculty development at EX6 has confirmed with me that EX6 does not currently have a grant or contract with EPA.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

MEMORANDUM

SUBJECT: Request to Engage in Outside Employment

FROM: David Cozad *Del Coz 8/4/09*  
Regional Counsel

TO: *FOIA EX 6*  
Assistant Regional Counsel

Your request, which is attached, to engage in outside activities as a *FOIA EX 6* at the *FOIA EX 6* has been reviewed.

Your request to engage in the teaching of *FOIA EX 6* is approved. This approval will remain in effect for five years or for the duration of the time that you are engaged by *EX 6* whichever is shorter. Please notify me if the nature of the course(s) you are teaching change.

Your attention is directed to the guidelines and limitations on employment at 5 C.F.R. Part 2635 and § 6401.102. You should be familiar with the provisions in the standards of conduct and exercise care that the guidelines found in them are followed. You are also reminded that you should not use agency time, equipment, or other resources in connection with your outside activity. No activities may be conducted during working hours, except where approved leave has been taken.

Attachment

**MEMORANDUM**

SUBJECT: Request for Approval of Outside Activity

FROM: ~~FOIA EX B~~ ; Attorney/Advisor ~~FOIA EX B~~

THRU: Leslie Humphrey, Water Branch Chief

TO: David Cozad, Regional Counsel

This request is for your approval for me to engage in an outside activity, i.e., to teach ~~FOIA EX B~~ as an ~~FOIA EX B~~. In order to obtain your approval for this outside activity, here is information you are required to have pursuant to ethics regulations, 5 CFR § 6401.103. I am excited about this opportunity and will do my best.

1. *Employee's name, title and grade.*

~~FOIA EX B~~  
Attorney/Advisor  
GS-14

2. *Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected. If without compensation, so state.*

This is an ~~FOIA EX B~~ teaching position with no compensation.

**Environmental Law (2-3)**

This course covers law developed to control pollution and to protect our country's physical environment. The course provides introductions to ecological theories and to early common law efforts to protect the environment. But the course mainly focuses on current environmental statutes (for instance, the Superfund Act, the Resource Conservation and Recovery Act, the Clean Air Act, and the Clean Water Act) and on current federal constitutional issues involving the environment. (Priorities in this mix may vary from year to year, depending on current events and related course offerings). Enforcement policies, citizen activism the needs of private industry, and the administrative process are also considered. No prerequisites.

3. *The name and business of the person or organization for which the work will be done.* ~~FOIA EX B~~

4. *The estimated time to be devoted to the activity.* 16 to 20 hours per week.

5. *Whether the service will be performed entirely outside of normal duty hours.* This service will be performed entirely outside of normal duty hours, which are 9:00 AM to 3:00 PM, Tuesday/Thursday, and classes are Tuesday /Thursday 4:05 to 5:20 PM.

6. *The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.* No official duty time or Government property, resources or facilities not available to the general public will be used in connection with this teaching assignment.

7. *The basis for compensation.* Gratis - no compensation.

8. *The employee's statement that he or she has read, is familiar with and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102.* I have read and am familiar with and will abide by the restrictions in the CFR on outside activities, particularly 5 CFR Section 2635.807, Teaching, speaking and writing.

9. *An identification of any EPA agreements or contracts held by a person to or for whom services would be provided.* None, except that some student interns from UMKC occasionally work at EPA, Region 7.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

**FEB 15 2011**

**MEMORANDUM**

SUBJECT: Request to Engage in Outside Employment

FROM: David Cozad *2nd Cozad 2/15/11*  
Regional Counsel  
Deputy Ethics Official

TO: FOIA EX 6  
Assistant Regional Counsel

This is in response to your February 1, 2011, written request for approval to teach two sustainable business courses to graduate students through an accelerated online degree program with FOIA EX 6. During the 2<sup>nd</sup> Winter Term (a 5-week term from approximately February 15 through March 13), you have been requested to teach "Environmental Policy and Administration." You have also been requested to teach "Environmental Protection and Policy" during the 1<sup>st</sup> Spring Term (a 5-week term from approximately March 28 through April 24). EPA's Supplemental Standards of Ethical Conduct regulations at 5 C.F.R. § 6401.103(a)(3) requires Government employees to obtain approval from their Deputy Ethics Official before engaging in certain types of outside activities, with or without compensation.

As an EPA attorney, your duties include civil administrative litigation, primarily in FIFRA, SDWA, RCRA, CAA/RMP and TSCA. You state that you have no involvement in EPA matters that involve or pertain to any EPA grants or contracts. You describe the first course, "Energy Policy and Administration," as an online MBA course adjunct instructor in environmental law and sustainability, with an emphasis on law applicable to natural resources management and production/distribution of organic products. You state this course is a practical survey of environmental law in general for MBA students, with an emphasis on how this area fits within the broader realms of law and business. The second course, "Environmental Protection and Policy," is also an online MBA course that surveys the numerous and growing threats faced by the global environment, the dynamics associated to national and international environmental protection policy efforts, and the forces affected by such efforts. You estimate that approximately 12-15 hours per week will be devoted to these activities and that the work will be performed outside of normal duty hours.

Based on the information provided me, I approve this request. You should review the Standards of Ethical Conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. § 2635.702(b), which prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another. Note also that you shall not use or permit the use of your official title or position to identify yourself in connection with teaching except that you may include or permit the inclusion of your title or position as one of several biographical details provided that your title and position is given no more prominence than other significant biographical details. 5 C.F.R. § 2635.807(a)(3)(b).

You cannot represent this outside organization back to the Government on any matter (even on matters that you're not personally working on in your official capacity, or even to non-EPA agencies). Two criminal statutes, 18 U.S.C. §§ 203 and 205, prevent federal employees from representing any outside entity, with or without compensation, back to the federal government, in any matter in which the United States is a party or has an interest. When you participate in matters on behalf of an outside organization with which you are affiliated in your outside capacity, you must be careful to ensure that your participation is on a personal level, not on behalf of EPA, and never to another federal official on behalf of the outside entity. You are not representing EPA in your outside capacity.

In addition, an employee is prohibited by a criminal statute, 18 U.S.C. 208(a), from participating personally and substantially in an official capacity in any particular matter in which she, or any person whose interests are imputed to her under this statute has a financial interest, if the particular matter will have a direct and predictable effect on that interest.

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes; and the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950.

Lastly, you are reminded that under the regulations in Part 2635, you must undertake outside employment activities only on your own time (including duly approved leave), away from EPA premises, and *without* the use of any governmental personnel or government property such as telephones, office supplies, or office machines. Using Government office equipment for commercial purposes or in support of other "for profit" activities such as outside employment or businesses is not a permissible activity under EPA's Policy on Limited Personal Use of Government Office Equipment. <http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/2101-0.pdf> In addition, any leave or credit time which you elect to take must be requested and approved in advance by your supervisor.

This approval to teach at FOIA Ex 6 remain in effect for the 2<sup>nd</sup> Winter Term 2011 and the 1<sup>st</sup> Spring Term 2011. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity. Please also notify me if there are any changes in your EPA job duties that might affect this determination.

Please call Karina Borromeo, Assistant Deputy Ethics Official, at (913) 551-7675 if you have any questions.

#### Attachments

cc: Request for Approval of Outside Activity File  
Alyse Stoy, Chief, Chemical Management Branch  
Becky Dolph, Deputy Regional Counsel

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**MEMORANDUM**

SUBJECT: Request for Approval of Outside Activity

FROM: FOIA Ex b 2/1/2011

THROUGH: Alyse Stoy

TO: Dave Cozad

CC: Karina Borromeo

Following are my answers to the questions concerning approval for outside work:

- (1) Employee's name, title and grade;  
FOIA Ex b Assistant Regional Counsel, GS-14
- (2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected. If without compensation, so state;  
The position is a part-time adjunct faculty member for an accelerated online MBA degree program. I would teach a course on sustainability to MBA students. I will be paid approximately FOIA Ex b for each 5 week session.
- (3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);  
FOIA Ex b
- (4) The estimated time to be devoted to the activity;  
12 - 15 hours a week.
- (5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);  
The work will be performed entirely outside of normal duty hours.
- (6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;  
I affirm that no official duty time or Government property, resources or facilities not available to the general public will be used in connection with my outside employment.
- (7) The basis for compensation (e.g., fee, per diem, per annum, etc.);  
Fee per completing a 5-week course.

- (8) The employee's statement that he or she has read, is familiar with and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102; and I affirm that I have read, am familiar with, and will abide by the restrictions in 5 CFR §§ 2635 and 6401.102.
- (9) An identification of any EPA assistance agreements, i.e., grants, or contracts held by a person to or for whom services would be provided. FOIA Ex 6; who works in faculty development at FOIA Ex 6; has confirmed with me that FOIA Ex 6 does not currently have a grant or contract with EPA.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

FEB 19 2010

MEMORANDUM

SUBJECT: Request to Engage in Outside Employment

FROM: David Cozad *David Cozad*  
Regional Counsel  
Deputy Ethics Official

TO: *FOIA Ex 6*  
Assistant Regional Counsel

This is in response to your February 8, 2010, written request for approval to teach a sustainable business course to graduate students through an accelerated online degree program with *FOIA Ex 6*. EPA's Supplemental Standards of Ethical Conduct regulations at 5 C.F.R. § 2635.703(a)(3) requires Government employees to obtain approval from their Deputy Ethics Official before engaging in certain types of outside activities, with or without compensation.

As an EPA attorney, your duties include civil administrative litigation, primarily in FIFRA, SDWA, RCRA, CAA/RMP, and TSCA. You state that you have no involvement in EPA matters that involve or pertain to any EPA grants or contracts. You describe this activity as an online MBA course adjunct instructor in environmental law and sustainability, with an emphasis on law applicable to natural resources management and production/distribution of organic products. You state this course is a practical survey of environmental law in general for MBA students, with an emphasis on how this area fits within the broader realms of law and business. You estimate that approximately 10 hours per week will be devoted to this activity and that the majority of the work will be performed outside of normal duty hours, with the exception of 1-2 hours every few months or so, for which you will be on either annual leave or credit time.

Based on the information provided me, I approve this request. You should review the Standards of Ethical Conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. § 2635.702(b), which prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another. Note also that you shall not use or permit the use of your official title or position

to identify yourself in connection with teaching except that you may include or permit the inclusion of your title or position as one of several biographical details provided that your title and position is given no more prominence than other significant biographical details. 5 C.F.R. § 2635.807(a)(3)(b).

You also need to be mindful of the criminal statute at 18 U.S.C. § 205 which generally bars employees from communicating before any federal court or federal agency with the intent to influence on behalf of another on a particular matter. In addition, an employee is prohibited by a criminal statute, 18 U.S.C. 208(a), from participating personally and substantially in an official capacity in any particular matter in which he/she, or any person whose interests are imputed to him/her under this statute has a financial interest, if the particular matter will have a direct and predictable effect on that interest.

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes; and the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950.

Lastly, you are reminded that under the regulations in Part 2635, you must undertake outside employment activities only on your own time (including duly approved leave), away from EPA premises, and *without* the use of any governmental personnel or government property such as telephones, office supplies, or office machines. Using Government office equipment for commercial purposes or in support of other "for profit" activities such as outside employment or businesses is not a permissible activity under EPA's Policy on Limited Personal Use of Government Office Equipment. <http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/2101-0.pdf> In addition, any leave or credit time which you elect to take must be requested and approved in advance by your supervisor.

This approval to teach at FOIA EX 6 will remain in effect for one year or for the duration of time that you engage in this particular activity, whichever is shorter. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity. Please also notify me if there are any changes in your EPA job duties that might affect this determination.

Please call Karina Borromeo, Assistant Deputy Ethics Official, at (913) 551-7675 if you have any questions.

Attachment

cc: Request for Approval of Outside Activity File  
Alyse Stoy, Chief, Chemical Management Branch  
Becky Dolph, Deputy Regional Counsel

**MEMORANDUM**

SUBJECT: Request for Approval of Outside Activity

FROM: FOIA Ex 6  
Assistant Regional Counsel

TO: David Cozad  
Regional Counsel

THROUGH: Alyse Stoy *Alyse Stoy 2/11/10*  
Chief, Chemical Risk and Enforcement Branch

By this memorandum, I submit the information required by 5 CFR § 6401.103 as a prerequisite for approval of outside activity.

1. Name, title and grade; description of EPA job duties:

FOIA Ex 6  
Attorney-Advisor – GS-14

EPA job duties include civil administrative litigation, primarily in FIFRA, SDWA, RCRA, CAA/RMP, and TSCA matters. I have no involvement in review of EPA-administered grants or contracts.

2. Description of outside activity:

Online MBA course adjunct instructor in environmental law and sustainability, with an emphasis on law applicable to natural resources management and production/distribution of organic products. The course is a practical survey of environmental law in general for MBA students, with an emphasis on how this area fits within the broader realms of law and business. Anticipated duties include curriculum development, moderating class discussion, and assigning/grading work over a 5-week term. The position is compensated at Ex 6 per 5-week term. Course curriculum development work outside of a scheduled term is compensated at approximately Ex 6

3. Organization for which work will be done:

FOIA Ex 6 University, Accelerated Online Program; FOIA Ex 6

4. Estimated time to be devoted to the activity:

Approximately 10 hours/week.

5. Will service be performed outside of normal duty hours?

The work will be entirely outside of normal duty hours, with the exception of an occasional telephone conference call of 1-2 hours in duration, occurring every few months or so, during which I would either be on annual leave or use credit hours.

6. *Statement by employee:*

No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment

7. *Basis for compensation:*

As noted above, the position is compensated \$2,200 per 5-week term. Course curriculum development work outside of a scheduled term is compensated at approximately \$40/hour.

8. *Employee statement regarding restrictions:*

I have read, am familiar with and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102.

9. *An identification of any EPA assistance agreements, i.e., grants, or contracts held by a person to or for whom services would be provided.*

Upon my inquiry, the program director has confirmed that FOIA EX 6 has no such assistance agreements with EPA.

FOIA EX 6

2/03/10  
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

APR - 8 2011

MEMORANDUM

SUBJECT: Request for Approval of Outside Activity

FROM: David Cozad *2nd copy 4/8/11*  
Regional Counsel  
Deputy Ethics Official

TO: *FOIA Ex 6* Attorney  
Water Branch  
Office of Regional Counsel

This is in response to your April 7, 2011, written request for approval to provide *FOIA Ex 6* EPA's Supplemental Standards of Ethical Conduct regulations at 5 C.F.R. § 6401.103(a)(2) requires EPA employees to obtain approval from their Deputy Ethics Official before engaging in employment, with or without compensation, that involves the practice of a profession.

As an Attorney in the Office of Regional Counsel, you provide legal advice and agency representation primarily on Clean Water Act issues. Your duties include drafting administrative orders, representation in civil matters, and providing legal advice to the Clean Water Act program regarding enforcement, water quality and permitting matters.

You have described the *FOIA Ex 6* matter. The matter will be adjudicated by the Kansas City, Missouri municipal court. You estimate that less than 5 hours will be spent on this activity, you will not receive any compensation and all work will be performed entirely outside normal duty hours.

Based on the information provided me, I approve this request. You should review the Standards of Ethical Conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. § 2635.702(b), which prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another.



You cannot represent this individual back to the Government on any matter (even on matters that you're not personally working on in your official capacity, or even to non-EPA agencies). Two criminal statutes, 18 U.S.C. §§ 203 and 205, prevent federal employees from representing any outside entity, with or without compensation, back to the federal government, in any matter in which the United States is a party or has an interest.

In addition, an employee is prohibited by a criminal statute, 18 U.S.C. 208(a), from participating personally and substantially in an official capacity in any particular matter in which she, or any person whose interests are imputed to her under this statute has a financial interest, if the particular matter will have a direct and predictable effect on that interest.

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes; and the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950.

Lastly, you are reminded that under the regulations in Part 2635, you must undertake outside employment activities only on your own time (including duly approved leave), away from EPA premises, and *without* the use of any governmental personnel or government property such as telephones, office supplies, or office machines. Using Government office equipment for commercial purposes or in support of other "for profit" activities such as outside employment or businesses is not a permissible activity under EPA's Policy on Limited Personal Use of Government Office Equipment. <http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/2101-0.pdf> In addition, any leave or credit time which you elect to take must be requested and approved in advance by your supervisor.

This approval to provide <sup>FOIA EX 6</sup> remains in effect for the duration of your representation or for one year, whichever is shorter. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity. Please also notify me if there are any changes in your EPA job duties that might affect this determination.

Please call Karina Borromeo, Assistant Deputy Ethics Official, at (913) 551-7675 if you have any questions.

Attachment

cc: Request for Approval of Outside Activity File  
Leslie Humphrey, Chief, Water Branch  
Becky Dolph, Deputy Regional Counsel

**MEMORANDUM**

SUBJECT: Request for Approval of Outside Activity

FROM: FOIA Ex 6, CNSL ) 4/7/11

THROUGH: Leslie Humphrey, Branch Chief UH  
CNSL

TO: David Cozad, Regional Counsel  
CNSL

ATTENTION: Karina Borromeo  
Assistant Deputy Ethics Official

This memorandum is prepared to request approval for outside activity as required by 5 C.F.R. § 6401.103. I have been asked by my brother-in-law to assist him with a speeding ticket.

- (1) Employee's name, title and grade; and a *detailed* description of employee's EPA job duties;

FOIA Ex 6, Attorney-Advisor, GS 14-04

Provides legal advice and agency representation mostly on Clean Water Act issues. This includes but is not limited to activities such as drafting Administrative Orders, representation in Civil matters, providing legal advice to the Clean Water Act program regarding enforcement, water quality, and permitting matters.

- (2) Nature of the outside activity, including a full detailed description of the services to be performed and the amount of compensation expected. If the request involves teaching, provide an explanation of course. If without compensation, so state;

FOIA Ex 6

The citation was received in Kansas City, Missouri, and will be addressed by the municipal court. I will not be compensated.

- (3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);

FOIA Ex 6

- (4) The estimated time to be devoted to the activity;

One to five hours.

- (5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);

Yes.

- (6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;

No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.

- (7) The basis for compensation (e.g., fee, per diem, per annum, etc.);

I will not be compensated.

- (8) The employee's statement that he or she has read, is familiar with and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102; and

I have read and am familiar with 5 CFR Part 2635 and § 6401.102.

- (9) An identification of any EPA assistance agreements, i.e., grants, or contracts held by a person to or for whom services would be provided.

None.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

NOV 21 2011

**MEMORANDUM**

SUBJECT: Request to Engage in Outside Employment

FROM: David Cozad *David Cozad 11/21/11*  
Deputy Ethics Official

TO: *FOIA EX 6*  
Assistant Regional Counsel

This is in response to your November 16, 2011, written request for approval to teach a business course to graduate students through an accelerated online degree program with *EX 6* in *EX 6*. During a 5 week term from approximately November 7 through December 15, 2011, you have been requested to teach "Energy Policy and Administration". EPA's Supplemental Standards of Ethical Conduct regulations at 5 C.F.R. § 6401.103(a)(3) requires Government employees to obtain approval from their Deputy Ethics Official before engaging in certain types of outside activities, with or without compensation.

As an EPA attorney, your duties include civil administrative litigation, primarily in FIFRA, SDWA, RCRA, CAA/RMP and TSCA. You describe the course as providing students with an opportunity to study the historical, economic, business, socio-cultural and political dimensions that have affected energy policy and administration in the United States throughout the 20<sup>th</sup> and early 21<sup>st</sup> Century. You state that particular emphasis is placed upon gaining an understanding of the causes associated with various policy and administrative decisions, as well as some of the strategic, economic, financial, social and environmental consequences resulting from such decisions. You estimate that approximately 12-15 hours per week will be devoted to these activities and that the work will be performed outside of normal duty hours.

Based on the information provided me, I approve this request. You should review the Standards of Ethical Conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. § 2635.702(b), which prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another. Note also that you shall not use or permit the use of your official title or position to identify yourself in connection with teaching except that you may include or permit the inclusion of your title or position as one of several biographical details provided that your title and position is given no more prominence than other significant biographical details. 5 C.F.R. § 2635.807(a)(3)(b).

Chris Dudding  
Request for Approval of Outside Activity

You cannot represent this outside organization back to the Government on any matter (even on matters that you're not personally working on in your official capacity, or even to non-EPA agencies). Two criminal statutes, 18 U.S.C. §§ 203 and 205, prevent federal employees from representing any outside entity, with or without compensation, back to the federal government, in any matter in which the United States is a party or has an interest. When you participate in matters on behalf of an outside organization with which you are affiliated in your outside capacity, you must be careful to ensure that your participation is on a personal level, not on behalf of EPA, and never to another federal official on behalf of the outside entity. You are not representing EPA in your outside capacity.

In addition, an employee is prohibited by a criminal statute, 18 U.S.C. 208(a), from participating personally and substantially in an official capacity in any particular matter in which she, or any person whose interests are imputed to her under this statute has a financial interest, if the particular matter will have a direct and predictable effect on that interest.

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes; and the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950.

Lastly, you are reminded that under the regulations in Part 2635, you must undertake outside employment activities only on your own time (including duly approved leave), away from EPA premises, and *without* the use of any governmental personnel or government property such as telephones, office supplies, or office machines. Using Government office equipment for commercial purposes or in support of other "for profit" activities such as outside employment or businesses is not a permissible activity under EPA's Policy on Limited Personal Use of Government Office Equipment. <http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/2101-0.pdf> In addition, any leave or credit time which you elect to take must be requested and approved in advance by your supervisor.

This approval to teach at ~~6~~ will remain in effect for the duration of this particular 5 week term. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity. Please also notify me if there are any changes in your EPA job duties that might affect this determination.

Please call Karina Borrromeo, Assistant Deputy Ethics Official, at (913) 551-7675 if you have any questions.

Attachments

cc: Request for Approval of Outside Activity File  
Alyse Stoy, Chief, Chemical Management Branch

**MEMORANDUM**

SUBJECT: Request for Approval of Outside Activity

NOV 16 2011 rec'd (KB)

FROM: FOIA EX 6

THROUGH: Alyse Stoy ASStoy

TO: Dave Cozad

CC: Karina Borromeo

Following are my answers to the questions concerning approval for outside work:

- (1) Employee's name, title and grade;  
FOIA EX 6, Assistant Regional Counsel, GS-14
- (2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected. If without compensation, so state;  
The position is a part-time adjunct faculty member for an accelerated online MBA degree program. I will be paid approximately EX 6 for each 5 week session. The course description is as follows:

5 week term, running Nov 7 - Dec 15

*Energy Policy and Administration:*

*This course provides students with an opportunity to study the historical, economic, business, socio-cultural and political dimensions that have affected energy policy and administration in the United States throughout the 20th and early 21st Century. Particular emphasis is placed upon gaining an understanding of the causes associated with various policy and administrative decisions, as well as some the strategic, economic, financial, social and environmental consequences resulting from such decisions. The course will also grant numerous opportunities to research, analyze and discuss how various stakeholders and interest groups (e.g.: Enron) influence policy-making. Learners also discover how fundamental constructs such as energy dependence and demand, economic security, energy storage and transportation, legislative agenda and renewable energies affect regional, national and international policy.*

- (3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);  
FOIA EX 6

- (4) The estimated time to be devoted to the activity;

12 – 15 hours a week.

- (5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);  
The work will be performed entirely outside of normal duty hours.
- (6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;  
I affirm that no official duty time or Government property, resources or facilities not available to the general public will be used in connection with my outside employment.
- (7) The basis for compensation (e.g., fee, per diem, per annum, etc.);  
Fee per completing a 5-week course.
- (8) The employee's statement that he or she has read, is familiar with and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102; and  
I affirm that I have read, am familiar with, and will abide by the restrictions in 5 CFR §§ 2635 and 6401.102.
- (9) An identification of any EPA assistance agreements, i.e., grants, or contracts held by a person to or for whom services would be provided.  
Ex 6 who works in faculty development at Ex 6, has confirmed with me that Ex 6 does not currently have a grant or contract with EPA.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

MAY 01 2012

**MEMORANDUM**

SUBJECT: Request for Approval of Outside Activity

FROM: Mark Hague *[Signature]*  
Acting Deputy Ethics Official

TO: *FOIA Ex 6*  
Environmental Scientist  
Water, Wetlands and Pesticides Division (WWPD)

This is in response to your April 17, 2012, written request to participate on the steering committee of the *FOIA Ex 6* EPA's Supplemental Standards of Ethical Conduct regulations at 5 C.F.R. § 6401.103(a)(4) requires employees to obtain approval from their Deputy Ethics Official before engaging in outside activities, with or without compensation, that involves a subject matter that deals in significant part with the policies, programs or operations of EPA or any matter to which an employee is presently assigned or to which the employee has been assigned during the previous one-year period.

As an Environmental Scientist in WWPD, you serve as the Sustainable Water Infrastructure (SI) Coordinator for the Region. Your duties include serving as a liaison with the Office of Water to coordinate Region 7's SI work with the Agency's Strategic Goals and communicate the Region's activities and progress. You manage a cross-program SI workgroup whose purpose is to plan and implement initiatives that will assist communities in developing sustainable water and wastewater systems and encourage the use of green infrastructure as a method of rainwater management. Another component of your job duties is to build and sustain partnerships with internal and external individuals and organizations to accomplish the Region's SI mission. According to your request, you may in the future serve as a technical project manager for green infrastructure work conducted in several communities through either a cooperative agreement or Headquarters contract, but you currently have no duties that involve the management or administration of EPA grants.

The *Ex 6* is a network of environmental professionals and business people who share a common goal: making sustainable business decisions that protect our natural resources and make good business sense. *Ex 6* operates as a program of *FOIA Ex 6*, a local non-profit organization that has a number of programs and several affiliates, all of which undertake various projects focused on environmental improvements. You state that you were elected to serve on the steering committee of the *Ex 6* by members of the organization. Steering committee members provide leadership for the group and approve plans and



budgets for various activities. You also serve on the ~~EX 6~~ program planning committee, a group which plans one tour /networking event per month throughout the year. You also serve as the ~~EX 6~~ liaison to the ~~EX 6~~. Liaisons from the various programs and affiliates can attend board meetings, provide information on their organization's activities and report information on board actions to their groups. You do not vote. In addition, you do not receive any compensation for this activity.

In addition, you state that steering committee and program committee meetings each are 1.5 hours in length and occur over the noon hour once a month. You take leave to attend these meetings. BTG board meetings generally occur after normal business hours or you take leave to attend. You perform this activity voluntarily are not compensated. In addition, you state that ~~EX 6~~ does not hold any active or open Region 7 grants.

Based on the information provided me, I approve this request. You should review the Standards of Ethical Conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. § 2635.702(b), which prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another.

You cannot represent this outside organization back to the Government on any matter (even on matters that you're not personally working on in your official capacity, or even to non-EPA agencies). Two criminal statutes, 18 U.S.C. §§ 203 and 205, prevent federal employees from representing any outside entity, with or without compensation, back to the federal government, in any matter in which the United States is a party or has an interest. When you participate in matters on behalf of an outside organization with which you are affiliated in your outside capacity, you must be careful to ensure that your participation is on a personal level, not on behalf of EPA, and never to another federal official on behalf of the outside entity. You are not representing EPA in your outside capacity. In addition, even where there is no clear violation of the statutory or regulatory limitations, the appearance of using public office for private gain must be avoided.

In addition, an employee is prohibited by a criminal statute, 18 U.S.C. 208(a), from participating personally and substantially in an official capacity in any particular matter in which he, or any person whose interests are imputed to him under this statute has a financial interest, if the particular matter will have a direct and predictable effect on that interest.

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes; and the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950.

Lastly, you are reminded that under the regulations in Part 2635, you must undertake outside employment activities only on your own time (including duly approved leave), away from EPA premises, and *without* the use of any governmental personnel or government property such as telephones; office supplies, or office machines. Using Government office equipment for commercial purposes or in support of other "for profit" activities such as outside employment or businesses is not a permissible activity under EPA's Policy on Limited Personal Use of Government Office Equipment.

Ex 6

<http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/2101-0.pdf> In addition, any leave or credit time which you elect to take must be requested and approved in advance by your supervisor.

This approval to participate on the steering committee of the ~~Ex 6~~ will remain in effect for one year or for the duration of time that you engage in this particular activity, whichever is shorter. Please note that § C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity. Please also notify me if there are any changes in your EPA job duties that might affect this determination.

Please call Karina Borromeo, Assistant Deputy Ethics Official, at (913) 551-7675 if you have any questions.

Attachment

cc: Request for Approval of Outside Activity File  
Mary Mindrup, Chief, Drinking Water Management Branch, WWPD  
Wayne Gieselman, Deputy Director, WWPD  
Karen Flournoy, Director, WWPD



April 17, 2012

**MEMORANDUM**

**SUBJECT:** Request for Approval of Outside Activity

**FROM:** FOIA EX 6 WWPD; FOIA EX 6

**THROUGH:** Mary Mindrup, Chief DRNK Branch, WWPD *Mary Mindrup*

**TO:** Mark Hague, Acting Deputy Ethics Official

**ATTENTION:** Karina Borromeo, Assistant Deputy Ethics Official

This memo is to request approval to participate on the Steering Committee of the FOIA EX 6. The FOIA EX 6 is a network of environmental professionals and business people who share a common goal: making sustainable business decisions that protect our natural resources and make good business sense. The following is information required by 5 CFR § 6401.103.

**(1) Employees Name, Title & Grade and detailed description of EPA job duties:** EX 6  
Environmental Scientist, GS-14. As the Sustainable Water Infrastructure (SI) Coordinator for Region 7, my duties include serving as a liaison with the Office of Water to coordinate Region 7's SI work with the Agency's Strategic Goals and to communicate the Region's activities and progress. I also manage an initiative that includes a cohort of 5 Kansas communities whose purpose is to assist them in developing sustainable water and wastewater systems and encourage the use of green infrastructure as a method of rainwater management. In the near future, I expect to be serving as a technical project manager for green infrastructure work conducted in several communities through a cooperative agreement or HQ contract. A final component of my job description is to build and sustain partnerships with internal and external individuals and organizations to accomplish the Region's SI mission.

**(2) Nature of the outside activity:** The EX 6 operates as a program of FOIA EX 6, a

has a number of programs and several affiliates, all of which undertake various projects focused on environmental improvements. I was elected to serve on the Steering Committee of the EX 6 by EX 6 members of the organization. Steering Committee members provide leadership for the group and approve plans and budgets for various activities, most of which are learning events/tours of local businesses or government projects that have successfully implemented sustainable buildings or practices. I also serve on the EX 6 Program Planning Committee, a group which plans one tour/networking event per month throughout the year. Finally, I serve as the EX 6 Liaison. 1. Liaisons from the various programs and affiliates can attend board meetings, provide information on their organization's activities and report information on board actions to their groups. They do not vote. There is no compensation for any of this work.

**(3) Name of person or organization for which the work will be done:** Th: EX 6

**(4) The estimated time devoted to the activity:** Steering Committee Meetings and Program Committee Meetings each are 1.5 hours in length and occur over the noon hour once per month. I take leave to

participate in these meetings in addition to my lunch break. ~~ex 6~~ Board Meetings generally occur after hours or I take leave to attend.

**(5) Will the service be performed entirely outside of normal business hours?** No, as stated above.

**(6) Statement that no Government resources, time or facilities not available to the general public will be used in connection with this service.** None will be.

**(7) The basis of compensation:** Service is voluntary. There is no compensation.

**(8) I am familiar with and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102.**

**(9) An identification of any EPA assistance agreements held by organization for whom services are provided.** There currently are no EPA assistance agreements in place with ~~ex 6~~ is not an eligible entity to receive grants. ~~ex 6~~ has been awarded EPA grants in the past, and should this happen in the future, and should the grant be related to any work that I manage, I will notify you immediately of this nexus.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7

11201 Renner Boulevard

Lenexa, Kansas 66219

APR 15 2013

MEMORANDUM

SUBJECT: Request for Approval of Outside Activity

FROM: Mark Hague
Deputy Ethics Official

[Handwritten signature]

TO: [Redacted]
Environmental Scientist
Water, Wetlands and Pesticides Division (WWPD)

This is in response to your April 1, 2013 written request to participate on the steering and marketing committees of the [Redacted] EPA's Supplemental Standards of Ethical Conduct regulations at 5 C.F.R. § 6401.103(a)(4) requires employees to obtain approval from their Deputy Ethics Official before engaging in outside activities, with or without compensation, that involves a subject matter that deals in significant part with the policies, programs or operations of EPA or any matter to which an employee is presently assigned or to which the employee has been assigned during the previous one-year period.

As an Environmental Scientist in WWPD, you serve as the Sustainable Water Infrastructure (SI) Coordinator for the Region. Your duties include serving as a liaison with the Office of Water to coordinate Region 7's SI work with the Agency's Strategic Goals and communicate the Region's activities and progress. You manage a cross-program SI workgroup whose purpose is to plan and implement initiatives that will assist communities in developing sustainable water and wastewater systems and encourage the use of green infrastructure as a method of rainwater management. Another component of your job duties is to build and sustain partnerships with internal and external individuals and organizations to accomplish the Region's SI mission. According to your request, you may in the future serve as a technical project manager for green infrastructure work conducted in several communities through either a cooperative agreement or Headquarters contract, but you currently have no duties that involve the management or administration of EPA grants.

The [Redacted] who share a common goal:

[Redacted] FOIA Exemption 6

[Redacted] is a number of programs and several affiliates, all of which undertake various projects focused on environmental improvements. You state that you were elected to serve on the steering committee of the [Redacted] by members of the organization. Steering committee members provide leadership for the group and approve plans and budgets for various activities. You also serve on the [Redacted] Marketing Committee, a group which works to grow the membership of the organization. You do not receive any compensation for this activity.



You state that steering committee meetings each are 1.5 hours in length and occur over the noon hour once a month. Separate marketing committee meetings occur occasionally, usually around the noon hour. You take leave to attend these meetings.

Based on the information provided me, I approve this request. You should review the Standards of Ethical Conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. § 2635.702(b), which prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another.

You cannot represent this outside organization back to the Government on any matter (even on matters that you're not personally working on in your official capacity, or even to non-EPA agencies). Two criminal statutes, 18 U.S.C. §§ 203 and 205, prevent federal employees from representing any outside entity, with or without compensation, back to the federal government, in any matter in which the United States is a party or has an interest. When you participate in matters on behalf of an outside organization with which you are affiliated in your outside capacity, you must be careful to ensure that your participation is on a personal level, not on behalf of EPA, and never to another federal official on behalf of the outside entity. You are not representing EPA in your outside capacity. In addition, even where there is no clear violation of the statutory or regulatory limitations, the appearance of using public office for private gain must be avoided.

In addition, an employee is prohibited by a criminal statute, 18 U.S.C. 208(a), from participating personally and substantially in an official capacity in any particular matter in which he, or any person whose interests are imputed to him under this statute has a financial interest, if the particular matter will have a direct and predictable effect on that interest.

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes; and the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950. Specifically, an executive branch employee must comply with two rules when fundraising in a personal capacity:

- An employee may not use or permit the use of the employee's official Government title, position, or any authority associated with his or her office to further a fundraising effort.
- An employee may not request funds or other support from a subordinate or from a person whom the employee knows to be a "prohibited source" (as defined in 5 C.F.R. §2635.203) even if the employee does not refer to his or her official Government title or position. However, if an employee's request is conveyed through the media or is addressed to a group of many persons in a mass mailing or otherwise, this rule is not violated if the request reaches a subordinate or a prohibited source, unless the employee knew that the request was targeted at subordinates or prohibited sources.

Where employees are "active participants" in outside organizations in their private capacities, the impartiality provisions of 5 C.F.R. Part 2635, Subpart E, apply. This means that, unless authorized by a Deputy Ethics Official, employees may not participate in EPA matters which involve such organizations as specific parties if "a reasonable person with knowledge of the facts" would question their impartiality. You have a covered relationship with the ~~GL~~ because it is an organization in which you are an active

participant. 5 C.F.R. § 2635.502(b)(v). Active participation is defined as involving service in a capacity similar to that of a committee or subcommittee chairperson or spokesperson, or participation in directing the activities of the organization. *Id.* Executive branch employees are required to consider whether their impartiality may be questioned whenever their involvement in a particular matter involving specific parties might affect certain personal and business relationships. You should not participate in the matter unless you have informed me of the appearance problem and received authorization from me.

Lastly, you are reminded that under the regulations in Part 2635, you must undertake outside employment activities only on your own time (including duly approved leave), away from EPA premises, and *without* the use of any governmental personnel or government property such as telephones, office supplies, or office machines. Using Government office equipment for commercial purposes or in support of other "for profit" activities such as outside employment or businesses is not a permissible activity under EPA's Policy on Limited Personal Use of Government Office Equipment. <http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/2101-0.pdf> In addition, any leave or credit time which you elect to take must be requested and approved in advance by your supervisor.

This approval to participate on the steering and marketing committees of the \_\_\_\_\_ will remain in effect for one year or for the duration of time that you engage in this particular activity, whichever is shorter. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity. Please also notify me if there are any changes in your EPA job duties that might affect this determination.

Please call Karina Borromeo, Assistant Deputy Ethics Official, at (913) 551-7675 if you have any questions.

Attachment

cc: Request for Approval of Outside Activity File  
Mary Mindrup, Chief, Drinking Water Management Branch, WWPD  
Wayne Gieselman, Deputy Director, WWPD  
Karen Flournoy, Director, WWPD



April 1, 2013

**MEMORANDUM**

**SUBJECT:** Request for Approval of Outside Activity

**FROM:** FOIA Exb

**THROUGH:** Mary Mindrup, Chief, DRNK Branch, WWPD *Mary Mindrup*

**TO:** Mark Hague, Acting Deputy Ethics Official

**ATTENTION:** Karina Borrromeo, Assistant Deputy Ethics Official

This memo is to request approval to participate on the Steering Committee of the Environmental Excellence Business Network. The Environmental Excellence Business Network (EEBN) is a network of environmental professionals and business people who share a common goal: making sustainable business decisions that protect our natural resources and make good business sense. The following is information required by 5 CFR § 6401.103.

**(1) Employees Name, Title & Grade and detailed description of EPA job duties:** Exb, Environmental Scientist, GS-14. As the Sustainable Water Infrastructure (SI) Coordinator for Region 7, my duties include serving as a liaison with the Office of Water to coordinate Region 7's SI work with the Agency's Strategic Goals and to communicate the Region's activities and progress. I also manage an initiative that includes a cohort of 5 Kansas communities whose purpose is to assist them in developing sustainable water and wastewater systems and encourage the use of green infrastructure as a method of rainwater management. In the near future, I expect to be serving as a technical project manager for green infrastructure work conducted in several communities through a cooperative agreement or HQ contract. A final component of my job description is to build and sustain partnerships with internal and external individuals and organizations to accomplish the Region's SI mission.

**(2) Nature of the outside activity:** The Exb operates as a program of Exb, a local non-profit organization whose overall purpose is to connect environment, economy and community. Exb has a number of programs and several affiliates, all of which undertake various projects focused on environmental improvements. I was elected to serve on the Steering Committee of the Exb members of the organization. Steering Committee members provide leadership for the group and approve plans and budgets for various activities, most of which are learning events/tours of local businesses or government projects that have successfully implemented sustainable buildings or practices. I also serve on the Exb Marketing Committee, a group which works to grow the membership of the organization. There is no compensation for any of this work.

**(3) Name of person or organization for which the work will be done:** The

**(4) The estimated time devoted to the activity:** Steering Committee Meetings are 1.5 hours in length and occur over the noon hour once per month. Separate Marketing Committee meetings occur occasionally, usually around the noon hour. I take leave to participate in these meetings in addition to my lunch break.

**(5) Will the service be performed entirely outside of normal business hours?** No, as stated above.

**(6) Statement that no Government resources, time or facilities not available to the general public will be used in connection with this service.** None will be.

**(7) The basis of compensation:** Service is voluntary. There is no compensation.

**(8)** I am familiar with and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102.

**(9) An identification of any EPA assistance agreements held by organization for whom services are provided.** There currently are no EPA assistance agreements in place with *ET 6* is not an eligible entity to receive grants. *ET 6* has been awarded EPA grants in the past, and should this happen in the future, and should the grant be related to any work that I manage, I will notify you immediately of this nexus.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7

11201 Renner Boulevard  
Lenexa, Kansas 66219

NOV 19 2013

OFFICE OF THE  
REGIONAL ADMINISTRATOR

MEMORANDUM

SUBJECT: Request for Approval of Outside Activity

FROM: Mark Hague   
Deputy Regional Administrator  
Deputy Ethics Official

TO: *FDIA 6/6*  
Deputy Division Director  
Environmental Services Division

This is in response to your October 25, 2013, written request for approval to teach for the *Hempdon 6*, EPA's Supplemental Standards of Ethical Conduct regulations at 5 C.F.R. § 6401.103(a)(3) requires Government employees to obtain approval from their Deputy Ethics Official before engaging in certain types of outside activities, with or without compensation. I am writing to confirm that you may engage in this outside activity provided that you follow the parameters below. These parameters ensure that your activities do not conflict with your professional responsibilities as a public servant and that your activities are consistent with the Standards of Ethical Conduct for Employees of the Executive Branch. You should also review the Standards of Ethical Conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities.

Background

As the Deputy Division Director, you assist the Director in planning, organizing, directing, controlling, and coordinating the Environmental Services Division's program/functions which are set out in the Division functional statement. Those functions of the Division include providing critical regional support functions such as laboratory analysis, ambient air and water monitoring, risk assessment, compliance inspections, GIS products, NEPA reviews, and quality assurance activities. You assist the Director with coordinating the program and work planning activities of the Division; establishing and managing a Division budget; formulating and executing short and long range plans for optimum utilization of personnel, facilities, and funds; initiating and establishing internal operating procedures and policies; anticipating needs, requirements, problems, developments, and trends so the new programs can be planned and integrated with the current total program; keeping informed on the status and progress of work within the Division, in order to determine that the Division's goals and objectives are being met; and determining priorities when conflicts or other problems of the Division arise; making decisions in the absence of the Division Director; and coordinating changes in Division activities scheduling to assure cost effective commitment of Division resources on a continuing basis. You also manage the Region's Quality Assurance Program and works with each program Division to ensure quality practices for data collection are in place, and directly supervises the Quality Assurance Team;



and manage the National Environmental Policy Act (NEPA) program and ensures its proper implementation through federally-funded projects with states, Tribes, other federal and state agencies, and internal EPA programs, and directly supervises the NEPA team.

In your request, you state that you wish to serve as a Exb with the Exb, teaching a class through their Engineering Management/Project Management Graduate program, evenings at the Edwards Campus in Overland Park, Kansas. The Class, EXEMPTION 6 is a Core Requirement of the Engineering Management Masters Program. The Class consists of the study of theories, tests for, and objectives of engineering and management ethics. It explores personal values, measures personality profile and preferred communication style for each student, and includes management of stress, time and career. Managerial writing and communication skills are developed through weekly projects including: report and proposal preparation, internal correspondence concerning praise and reprimand as well as organizational policy preparation. Interpersonal and nonverbal communication styles are studied. The course relies on instructor-assisted peer mediation of topics after introduction of constructive techniques of interpersonal communication.

You state that you will receive compensation for teaching and the class is currently scheduled for a 16-week 2014 Spring Semester to be held on Thursdays, from 6:00 – 10:00 pm. Over the course of 16 weeks, a total of 128 hours is expected to be performed outside normal duty hours and there would be no leave of absence from your regular work schedule.

#### Parameters to follow in your personal capacity

You cannot represent this organization back to EPA or the Federal Government on any matter (even on matters that you're not personally working on in your official capacity, or even to non-EPA agencies). Two criminal statutes, 18 U.S.C. §§ 203 and 205, prevent federal employees from representing any outside entity, with or without compensation, back to the federal government, in any matter in which the United States is a party or has an interest. When you participate in matters on behalf of an outside organization with which you are affiliated in your outside capacity, you must be careful to ensure that your participation is on a personal level, not on behalf of EPA, and never to another federal official on behalf of the outside entity. You must be mindful of not tangibly interacting, representing (which includes signing documents) or communicating on behalf of this organization back to EPA or the Federal government.

Several misuse of position principles prohibit you from using your EPA position, title and authority during the course of conducting the outside activity. Please note in particular 5 C.F.R. § 2635.702(b), which prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another. Note also that you shall not use or permit the use of your official title or position to identify yourself in connection with teaching except that you may include or permit the inclusion of your title or position as one of several biographical details provided that your title and position is given *no more prominence* than other significant biographical details. 5 C.F.R. § 2635.807(a)(3)(b).

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes; and the fundraising restrictions set forth in 5 C.F.R. § 2635.808

Note also, that you will have a one year covered relationship under the impartiality standards when you leave this outside position. This means that, for one year, you won't be able to work on specific party matters that involve this entity unless you obtain an impartiality determination from me.

Please call Karina Borromeo, Assistant Deputy Ethics Official, at (913) 551-7675 if you have any questions.

Attachment

cc: Request for Approval of Outside Activity File  
Ron Hammerschmidt, Environmental Services Division

and in 5 C.F.R. § 950. Specifically, an executive branch employee must comply with two rules when fundraising in a personal capacity:

- An employee may not use or permit the use of the employee's official Government title, position, or any authority associated with his or her office to further a fundraising effort.
- An employee may not request funds or other support from a subordinate or from a person whom the employee knows to be a "prohibited source" (as defined in 5 C.F.R. §2635.203) even if the employee does not refer to his or her official Government title or position. "Prohibited source" is defined as any entity or person who is doing business with the Agency, seeks to do business with the Agency or is regulated by the Agency. This does not mean that you cannot be involved in fundraising generally. You can still come up with a list of names of possible targets, write the letters, etc., but you should not be the person who signs the letter or makes the fundraising pitch directly.

Lastly, you are reminded that under the regulations in Part 2635, you must undertake outside employment activities only on your own time (including duly approved leave), away from EPA premises, and *without* the use of any governmental personnel or government property such as telephones, office supplies, or office machines. Using Government office equipment for commercial purposes or in support of other "for profit" activities such as outside employment or businesses is *not* a permissible activity under EPA's Policy on Limited Personal Use of Government Office Equipment. <http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/2101-0.pdf> You should not use your EPA email address or phone number as contact information for this outside activity; you will need to use your personal email address and phone number. In addition, any leave or credit time which you elect to take must be requested and approved in advance by your supervisor.

#### Parameters to follow while conducting official EPA duties and responsibilities

In addition, an employee is prohibited by a criminal statute, 18 U.S.C. 208(a), from participating personally and substantially in an official capacity in any particular matter in which she, or any person whose interests are imputed to her under this statute has a financial interest, if the particular matter will have a direct and predictable effect on that interest. Under 18 U.S.C. § 208, the interests of any outside entity in which EPA employees serve as an employee, officer, or director are imputed to them (the same as a spouse's or a dependent child's). When EPA employees are also employees of other outside organizations, they have to recuse themselves from engaging in official EPA duties in any way that will have a direct and predictable financial effect upon the interests of the non-federal entity, either as a specific party or as a member of a class. 5 C.F.R. Part 2635, Subpart D. You must recuse yourself from any official EPA duties that in any way will have a direct and predictable financial effect upon the interests of this organization.

#### Conclusion

This approval to teach ~~EX 6~~ the ~~EX 6~~ as in ~~EX 6~~ will remain in effect for the 16-week 2014 Spring Semester. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity. Please also notify me if there are any changes in your EPA job duties that might affect this determination.

OCT 25 2013

**MEMORANDUM**

**SUBJECT:** Request for Approval of Outside Activity

**FROM:** *Exemption 6*  
Environmental Services Division

**THRU:** Ron Hammerschmidt  
Environmental Services Division

**TO:** Mark Hague  
Deputy Regional Administrator  
Deputy Ethics Official

**ATTN:** Karina Borromeo  
Assistant Deputy Ethics Official

I am interested in teaching an evening course with the *Exemp 6* as a *EX 6*. The following information is provided for your review in order to obtain approval for this outside activity. I have previously spoken with Karina Borromeo regarding this request and my obligations, and will ensure that the activity is included on my new Form 450 if approved.

(1) **Employee's name, title and grade; detailed description of employee's EPA job duties;**

*H. G.*, Deputy Division Director, GS-15, Environmental Services Division

Assists the Director in planning, organizing, directing, controlling, and coordinating the Division's program/functions which are set out in the Division functional statement. Those functions of the Division include providing critical regional support functions such as laboratory analysis, ambient air and water monitoring, risk assessment, compliance inspections, GIS products, NEPA reviews, and quality assurance activities. Therein, the Deputy Division Director assist the Director with the following activities:

- Coordinating the program and work planning activities of the Division;
- Establishing and managing a Division budget;
- Formulating and executing short and long range plans for optimum utilization of personnel, facilities, and funds;
- Initiating and establishing internal operating procedures and policies;
- Anticipating needs, requirement, problems, developments, and trends so the new programs can be planned and integrated with the current total program;

- Keeping informed on the status and progress of work within the Division, in order to determine that the Division's goals and objectives are being met; and
- Determining priorities when conflicts or other problems of the Division arise; making decisions in the absence of the Division Director; coordinating changes in Division activities scheduling to assure cost effective commitment of Division resources on a continuing basis.

Manages the Region's Quality Assurance Program and works with each program Division to ensure quality practices for data collection are in place, and directly supervises the Quality Assurance Team

Manages the National Environmental Policy Act (NEPA) program and ensures its proper implementation through federally-funded projects with states, Tribes, other federal and state agencies, and internal EPA programs, and directly supervises the NEPA team.

**(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected. If without compensation, so state;**

I wish to serve as a ExB with the ExB s, teaching a class through their Engineering Management/Project Management Graduate program, evenings at ExB. Currently, the class is scheduled for the Spring Semester, ExB.

The Class, Personal Development for Engineering Managers, is a Core Requirement of the Engineering Management Masters Program. The Class consists of the study of theories, tests for, and objectives of engineering and management ethics. It explores personal values, measures personality profile and preferred communication style for each student, and includes management of stress, time and career. Managerial writing and communication skills are developed through weekly projects including: report and proposal preparation, internal correspondence concerning praise and reprimand as well as organizational policy preparation. Interpersonal and nonverbal communication styles are studied. The course relies on instructor-assisted peer mediation of topics after introduction of constructive techniques of interpersonal communication. The course syllabus is attached.

SEP 30 2013

MEMORANDUM

SUBJECT: Request for Approval of Outside Activity

FROM: FOIA EXEMPTION 6?

THROUGH: Kent Johnson 

TO: Dave Cozad 

CC: Karina Borromeo

Following are my answers to the questions concerning approval for outside work:

- (1) Employee's name, title and grade;  
FOIA EX 6, Assistant Regional Counsel, GS-14
- (2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected. If without compensation, so state;  
The position is a part-time adjunct faculty member for an accelerated online MBA degree program. I will be paid approximately \$ EX 6 for a 5 week session, running from approximately November 3 through December 8, 2013. The course description is as follows:  
*FOIA EX 6 Energy Policy and Administration*  
*This course provides students with an opportunity to study the historical, economic, business, socio-cultural and political dimensions that have affected energy policy and administration in the United States throughout the 20th and early 21<sup>st</sup> Century. Particular emphasis is placed upon gaining an understanding of the causes associated with various policy and administrative decisions, as well as some the strategic, economic, financial, social and environmental consequences resulting from such decisions. The course will also grant numerous opportunities to research, analyze and discuss how various stakeholders and interest groups (e.g.: Enron) influence policy-making. Learners also discover how fundamental constructs such as energy dependence and demand, economic security, energy storage and transportation, legislative agenda and renewable energies affect regional, national and international policy. 4 crs.*
- (3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);  
FOIA EX 6 University, i FOIA EX 6 egon.
- (4) The estimated time to be devoted to the activity;

12 – 15 hours a week.

- (5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);  
The work will be performed entirely outside of normal duty hours.
- (6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;  
I affirm that no official duty time or Government property, resources or facilities not available to the general public will be used in connection with my outside employment.
- (7) The basis for compensation (e.g., fee, per diem, per annum, etc.);  
Fee per completing a 5-week course.
- (8) The employee's statement that he or she has read, is familiar with and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102; and  
I affirm that I have read, am familiar with, and will abide by the restrictions in 5 CFR §§ 2635 and 6401.102.
- (9) An identification of any EPA assistance agreements, i.e., grants, or contracts held by a person to or for whom services would be provided.  
FOIA EX 6 or, who works in faculty development at FDU EX 6 has confirmed with me that FOIA EX 6 does not currently have a grant or contract with EPA.

**Description of Proposed Outside Activity**

Name: FOIA EXEMPTION

Title: Soil Scientist

Grade: GS-14

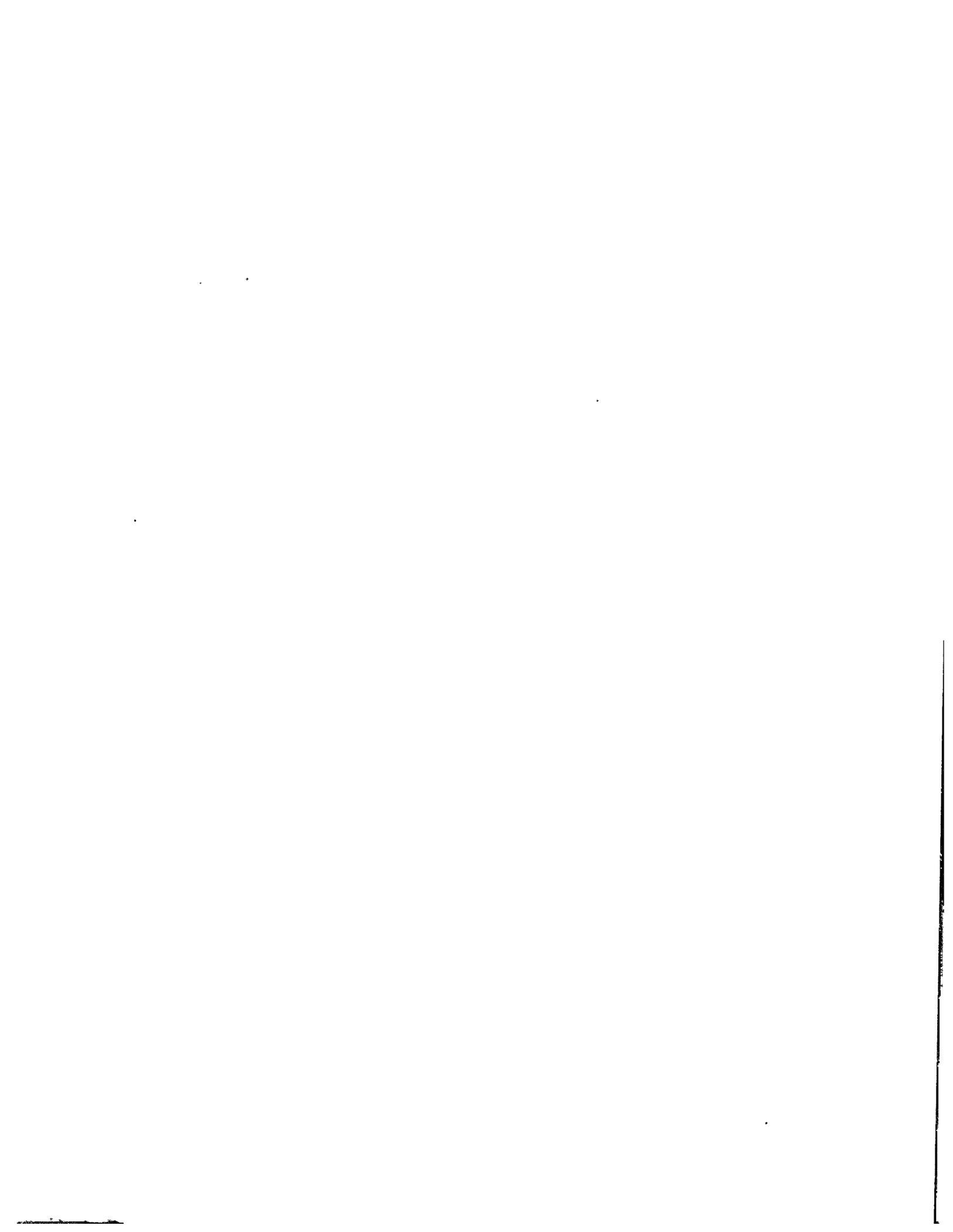
Nature of Activity: A part-time teaching/research position at FOIA EXEMPTION as an adjunct associate professor. I currently teach the following courses in the field of environmental engineering: Introduction to the environment; and Chemical principles of environmental systems.

Name of Employer: University

Compensation Received: The expected compensation is \$ 400 per course per semester.

Time Involved: Approximately 3 hours/week for each course (including lab/research components), all of which will be performed outside of normal duty hours.

Grants or Contacts Involved: My employer currently is not receiving any EPA grants and holds no contracts with EPA.

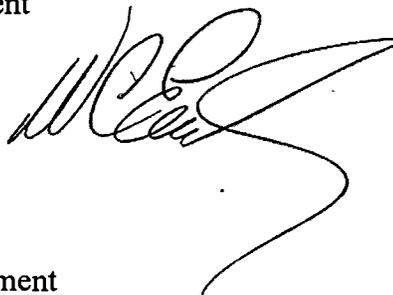


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103

**SUBJECT:** Approval of Outside Employment

**DATE:** FEB 14 2012

**FROM:** William C. Early (3DA00)  
Deputy Regional Administrator



**TO:** FOIA EX6 3EA50  
EAID  
Office of Monitoring & Assessment

I have reviewed your request to engage in outside employment on a part-time basis teaching environmental courses at the University of FOIA EX6 a. As Deputy Ethics Official, in accordance with 5 C.F.R. § 6401.103, I approve your request.

In approving the request, I am confident that you will avoid any real or apparent conflict of interest. This includes, but is not limited to, avoiding the use of any EPA facilities or equipment, the use of your time during official working hours, the use of information obtained because of your EPA position and not freely available to the public, any use of or reference to your official title or affiliation with the Agency, any involvement in any EPA matter related to the University of FOIA EX6 a, representing the University before any Federal Agency, or taking any action or writing anything implying official or unofficial EPA endorsement of any advice or opinion that you may give.

This approval will remain in effect for five years or for the duration of the time that you are teaching courses at the University of FOIA EX6 (as described in your memorandum to me), whichever is shorter. Please notify me if changes take place in the nature of your outside work or its relationship to your EPA duties or any EPA project.

Note that federal ethics rules contain provisions intended to ensure that an employee takes appropriate steps to avoid the appearance of a loss of impartiality in the performance of his official duties. One ethics rules provision governs circumstances where an employee knows that a person with whom he has a covered relationship is or represents a party to a particular matter involving specific parties before his Federal Agency. Under the federal ethics rules, you are considered to have a "covered relationship" with the University of FOIA EX6 for one year after your employment ends. If you become involved in a particular matter involving the University as part of your duties with EPA, please consult with the Office of Regional Counsel about the steps you may need to take to avoid the appearance of a loss of impartiality.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103

SUBJECT: Request for Approval of Outside Employment      DATE: 1 February 2012

FROM: ~~FOIA EXEMPTION~~ ~~FOIA EXEMPTION~~ —  
EAID, Office of Monitoring & Assessment (3EA50)

TO: William C. Early  
Deputy Ethics Official (3RA00)

THRU: John R. Pomponio, Director  
EAID (3EA00)

I request approval to engage in outside employment on a part-time basis in accordance with 5 CFR § 6401.103. The employment activity would be a part-time teaching position with the University of ~~FOIA EXEMPTION~~, Department of Earth & Environmental Science, College of L. ~~FOIA EXEMPTION~~ ~~6~~ miles in ~~FOIA EXEMPTION~~. Attached is a description of the activities as required by 5 CFR § 6401.103.

I believe no conflict of interest would be involved in my performing this activity. This activity will be performed entirely outside of normal duty hours. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment. I also will not use information obtained as a result of my EPA position not freely available to the general public. I have read, am familiar with, and will abide by, the restrictions described in 5 CFR Part 2635 and §6401.102. There are no EPA assistance agreements or contracts held by any person with the University of ~~FOIA EXEMPTION~~ a for whom services would be provided. This outside employment will not involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and §6401.102.

Attachment

*Celebrating 25 Years of Environmental Progress*

Description of Proposed Outside Activity

Name: FOIA EXEMPTON 6

Title: EAID Associate Director, Office of Monitoring & Assessment

Grade: GS-15

Nature of Activity: Lecturer at the University of FOIA EX 6 .

1) Part-time Teaching of Environmental Courses

Name of Employer: Department of Earth & Environmental Science  
College of FOIA EXEMPTION 6  
University of FOIA EX 6  
FOIA EX 6  
and FOIA EXEMPTION 6

Compensation Received: \$ EX 6 - EX 6 per course.

Time Involved: One night per week for approximately 13 weeks per course.

Grants or Contacts Involved: There are no EPA funds of any kind provided to the University of FOIA EX 6 Department of Earth & Environmental Science. The department has not and is not receiving any EPA funds, and holds no assistance agreements, grants, or contracts with EPA.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103

SUBJECT: Approval of Outside Employment

DATE: FEB 25 2013

FROM: William C. Early (3DA00)  
Deputy Regional Administrator

TO: FOIA EXC  
International Programs Manager  
Office of the Deputy Regional Administrator

I have reviewed your request to engage in outside employment on a part-time basis providing training and facilitating meetings for the University of ~~FOIA EXC~~. As Deputy Ethics Official, in accordance with 5 C.F.R. § 6401.103, I approve your request.

In approving the request, I am confident that you will avoid any real or apparent conflict of interest. This includes, but is not limited to, avoiding the use of any EPA facilities or equipment, the use of your time during official working hours, the use of information obtained because of your EPA position and not freely available to the public, any use of or reference to your official title or affiliation with the Agency, any involvement in any EPA matter related to the University of ~~FOIA EXC~~, presenting the University before any Federal Agency, or taking any action or writing anything implying official or unofficial EPA endorsement of any advice or opinion that you may give.

This approval will remain in effect for five years or for the duration of the time that you provide the training and facilitating services for the University as described in your request to me, whichever is shorter. Please notify me if changes take place in the nature of your outside work or its relationship to your EPA duties or any EPA project.

Note that federal ethics rules contain provisions intended to ensure that you, as a federal employee, take appropriate steps to avoid the appearance of a loss of impartiality in the performance of your official duties. One ethics rules provision governs circumstances where you know that a person with whom you have a covered relationship is or represents a party to a particular matter involving specific parties before your Federal Agency. Under the federal ethics rules, you are considered to have a "covered relationship" with the University for one year after your employment ends. If you become involved in a particular matter involving the University as part of your duties with EPA, please consult with the Office of Regional Counsel about the steps you may need to take to avoid the appearance of a loss of impartiality.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103

**Date:** January 29, 2013

**SUBJECT:** Request for Approval of Outside Employment

**FROM:** FOIA EXO  
International Programs Manager  
Office of the Deputy Regional Administrator

**TO:** William C. Early  
Deputy Ethics Official (3RA00)

I am requesting approval to engage in outside employment on a part-time basis in accordance with 5 C.F.R. § 6401.103.

The activity would be a consulting position that provides capacity building training at local universities or non-profit institutions. Attached is a description of the activities as required by 5 C.F.R. § 6401.103. I believe no conflict of interest would be involved in performing this type of activity. I will not use EPA equipment, facilities, or my time during official working hours. I also will not use information obtained as a result of my EPA position and not freely available to the general public. I have read and familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment.

Attachment

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103

SUBJECT: Approval of Outside Employment

DATE: FEB 25 2013

FROM: William C. Early (3DA00)  
Deputy Regional Administrator

TO: FOIA EX6  
International Programs Manager  
Office of the Deputy Regional Administrator

I have reviewed your request to engage in outside employment on a part-time basis providing training and facilitating meetings for the University of FOIA EX6. As Deputy Ethics Official, in accordance with 5 C.F.R. § 6401.103, I approve your request.

In approving the request, I am confident that you will avoid any real or apparent conflict of interest. This includes, but is not limited to, avoiding the use of any EPA facilities or equipment, the use of your time during official working hours, the use of information obtained because of your EPA position and not freely available to the public, any use of or reference to your official title or affiliation with the Agency, any involvement in any EPA matter related to the University of FOIA EX6 presenting the University before any Federal Agency, or taking any action or writing anything implying official or unofficial EPA endorsement of any advice or opinion that you may give.

This approval will remain in effect for five years or for the duration of the time that you provide the training and facilitating services for the University as described in your request to me, whichever is shorter. Please notify me if changes take place in the nature of your outside work or its relationship to your EPA duties or any EPA project.

Note that federal ethics rules contain provisions intended to ensure that you, as a federal employee, take appropriate steps to avoid the appearance of a loss of impartiality in the performance of your official duties. One ethics rules provision governs circumstances where you know that a person with whom you have a covered relationship is or represents a party to a particular matter involving specific parties before your Federal Agency. Under the federal ethics rules, you are considered to have a "covered relationship" with the University for one year after your employment ends. If you become involved in a particular matter involving the University as part of your duties with EPA, please consult with the Office of Regional Counsel about the steps you may need to take to avoid the appearance of a loss of impartiality.

## Description of Proposed Outside Activity

**Name:** ~~COIA~~ EX-60

**Title:** International Programs Manager

**Grade:** GS-14

**Nature of Activity:** Part-time consultant: I will be providing training, meeting facilitation, lead workshops and capacity building activities on various environmental management topics for local universities and non-profit institutions. The expected compensation is expected to be between \$ ~~60~~ and \$ ~~EX 60~~ depending on the hours worked and length of the activity. Topics which may be covered include:

- 1) Public Participation,
- 2) Meeting Facilitation,
- 3) Risk Communication and Crisis Management,
- 4) Municipal Solid Waste Management Planning,
- 5) Organizational Structures and Management,
- 6) Pollution Prevention
- 7) Sustainable Development.

**Name of Employer:** Self Employed. It is currently estimated that I will be teaching 3 -4 days in the next 6 months, starting with a 4 hr. class on meeting management at the University of

**Compensation Received:** I will be paid either hourly (\$ ~~60~~ per hour) or for a set period (4 hour training on meeting management -- \$ ~~four 60~~ for example.

**Time Involved:** Approximately 8 hours for each training or workshop. Some work will be performed outside of normal duty hours and some work will be performed during normal duty hours. For the work which may be performed during normal duty hours, approved Annual Leave will be requested. Currently, I

estimate that for the next 6 months, I will be absent from normal duty approximately 16 hours.

**Grants or Contracts Involved:** To the best of my knowledge, my employer currently is not receiving any EPA grants and hold no contracts with EPA.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103

SUBJECT: Approval of Outside Employment

DATE: APR 19 2011

FROM: *Cyber Hale*  
Marcia E. Mulkey (3RC00)  
Regional Counsel

TO: *FOIA EXC*  
Multimedia and Legal  
Support Branch (3RC60)

I have reviewed your request to engage in outside employment on a part-time basis. As Deputy Ethics Official, in accordance with 5 C.F.R. § 6401.103, I hereby approve your request.

In approving the request, I am confident that you will avoid any real or apparent conflict of interests. This includes, but is not limited to, avoiding the use of any EPA facilities or equipment, the use of your time during official working hours, the use of information obtained because of your EPA position and not freely available to the general public, any use of or reference to your official title or affiliation with the Agency, any involvement in any EPA matter related to *FOIA EXEMPTIONS* or taking any action or writing anything implying official or unofficial EPA endorsement of any advice or opinion that you may give.

Finally, you should keep in mind that 18 U.S.C. § 205 generally forbids a Federal Employee from acting as an "agent or attorney" (that is, communicate with the intent to influence) on behalf of outside parties before Federal Agencies or Courts in matters in which the United States is a party or has a direct and substantial interest. If it should happen that the United States becomes a party or acquires a direct and substantial interest in a matter in which The King's Serjeants, L.L.C., is involved, contact me so we can discuss the application of 18 U.S.C. § 205 to your employment.

This approval shall remain in effect for five years or for the duration of the time that you are doing legal research, drafting, and litigation support for *FOIA EXEMPTIONS* as described in your memorandum to me), whichever is shorter. Please notify me if there are any changes in the nature of your work or its relationship to your duties at EPA or any EPA project.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103

SUBJECT: Request for Approval of Outside  
Employment

DATE:

4/5/11

FROM: FOIA EXEMPTION 6  
Multimedia Law Branch (3RC60)



TO: Marcia E. Mulkey, Regional Counsel  
Deputy Ethics Official (3RC00)

THRU: Neil Bigioni, Chief  
Multimedia Law Branch (3RC60)

I am requesting approval to engage in outside employment on a part-time basis in accordance with 5 C.F.R. § 6401.103.

The activity would constitute legal research, drafting, and litigation support for FOIA EXEMPTION 6 EXC. Attached is a description of the activities as required by 5 C.F.R. § 6401.103. I believe no conflict of interest would be involved in performing this type of activity. I will not use EPA equipment, facilities, or my time during official working hours. I also will not use information obtained as a result of my EPA position and not freely available to the general public. I have read and familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with this outside employment.

Attachment:

Name: FOIA EX

Title: Assistant Regional Counsel

Grade: GS-14

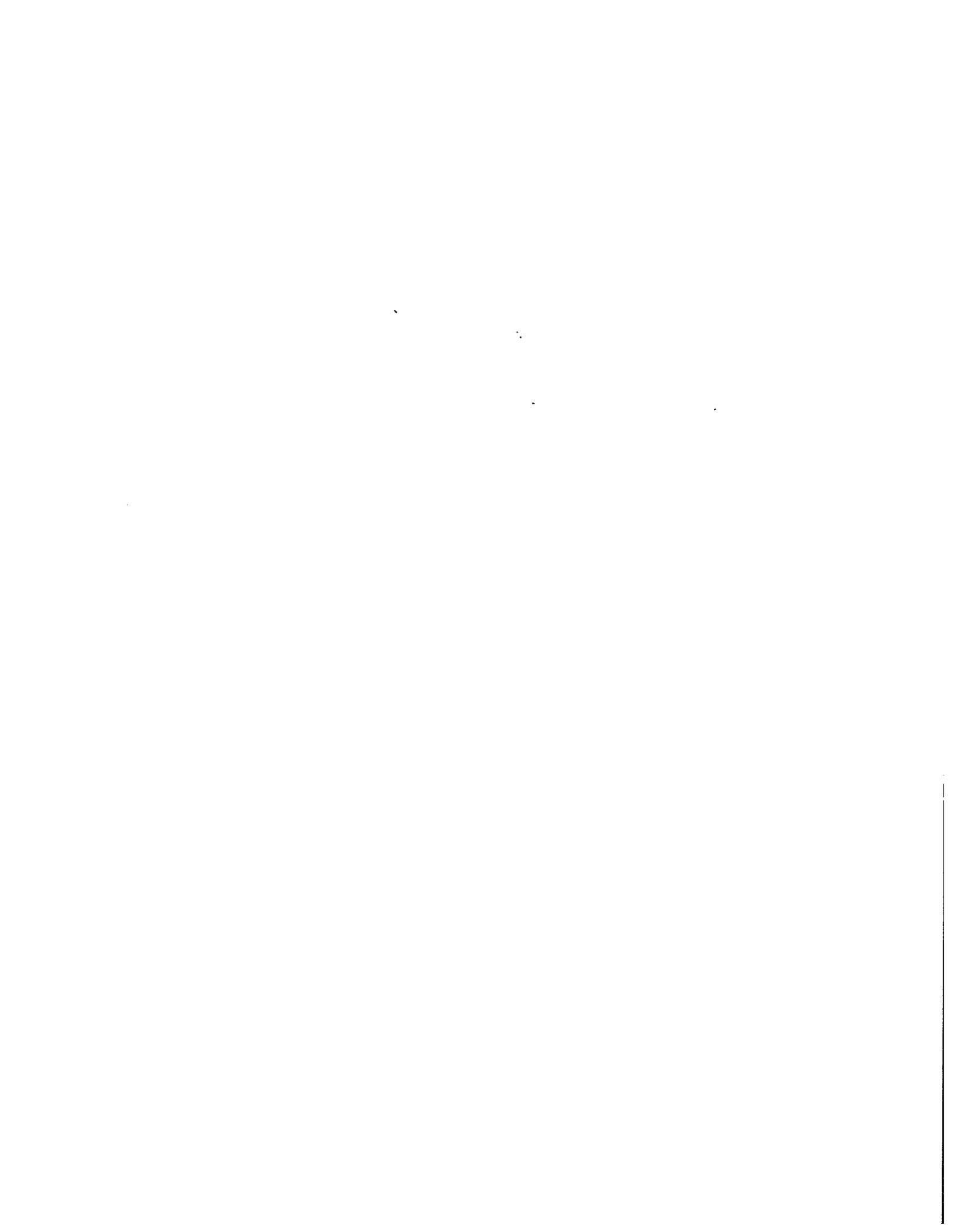
Nature of Activity: Legal research, drafting, and litigation support for the EX FOIA, EX FOIA, & working on wholly state actions in which there is no federal government interest.

Name of Employer: FOIA EXEMPTION nc., & FOIA EX Street,  
FOIA EXEMPTION G

Compensation Received: Approximately \$ /hour.

Time Involved: Up to approximately 12 hours per week during work weeks, all of which will be performed outside of normal duty hours; Approximately 30 hours during works I am on leave or furloughed.

Grants or Contracts Involved: My employer currently is not receiving any EPA grants and holds no contracts with EPA.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

JAN 19 2012

MEMORANDUM

SUBJECT: Permission to Participate in Outside Activities

FROM: David Cozad *David Cozad 1/19/12*  
Deputy Ethics Official

TO: *FOIA EX. 6*  
Regional Criminal Enforcement Counsel

This is in response to your January 11, 2012, written request for approval to serve on the Board of Directors of the *FOIA EX. 6* in *FOIA EX. 6*. EPA's Supplemental Standards of Ethical Conduct regulations at 5 C.F.R. § 6401.103(a)(4) requires employees to obtain approval from their Deputy Ethics Official before engaging in outside activities, with or without compensation, that involves a subject matter that deals in significant part with the policies, programs or operations of EPA or any matter to which an employee is presently assigned or to which the employee has been assigned during the previous one-year period.

As Regional Criminal Enforcement Counsel, your duties include working with CID/OCEFT to enforce, defend, and implement federal laws and regulations in accordance with EPA policies and priorities, reviewing and providing opinions on legal and policy issues; representing EPA as a legal and enforcement official before the public, courts and media whenever necessary and required; constructing legal memos and regularly communicating and collaborating with CID staff and Regional Counsel staff on priorities, goals and assigned activities. You do not have any EPA duties that involve or pertain to any EPA grants.

According to your request, the *FOIA EXEMPTION CO* is a non-profit, grass-roots organization dedicated to reducing health disparities in the African American community through advocacy, health screenings and health promotion activities. You state that you will be serving without compensation as a member of the Board of Directors and, as such, will be responsible for the affairs and property of the *FOIA EX. 6* and assisting in governing and developing policy and fundraising for the *FOIA EX. 6*. You estimate that this activity will require approximately 6 hours per month to perform and will be performed outside of normal duty time or on approved leave.

Based on the information provided me, I approve this request. You should review the Standards of Ethical Conduct regulations at 5 C.F.R. Part 2635 to familiarize yourself with the regulatory and statutory restrictions that may apply to your outside activities. Please note in particular 5 C.F.R. § 2635.702(b), which prohibits Government employees from using or permitting the use of their titles, Government positions, or any authority associated with their public office in a way that could reasonably



be construed to imply that EPA or the Government sanctions employees' personal activities or the activities of another.

You cannot represent this organization back to EPA or the Federal Government on any matter (even on matters that you're not personally working on in your official capacity, or even to non-EPA agencies). Two criminal statutes, 18 U.S.C. §§ 203 and 205, prevent federal employees from representing any outside entity, with or without compensation, back to the federal government, in any matter in which the United States is a party or has an interest. When you participate in matters on behalf of an outside organization with which you are affiliated in your outside capacity, you must be careful to ensure that your participation is on a personal level, not on behalf of EPA, and never to another federal official on behalf of the outside entity. In addition, an employee is prohibited by a criminal statute, 18 U.S.C. 208(a), from participating personally and substantially in an official capacity in any particular matter in which she, or any person whose interests are imputed to her under this statute has a financial interest, if the particular matter will have a direct and predictable effect on that interest.

You should also note 5 C.F.R. § 2635.703, which restricts the unauthorized disclosure and use of non-public information for private purposes; and the fundraising restrictions set forth in 5 C.F.R. § 2635.808 and in 5 C.F.R. § 950. Specifically, an executive branch employee must comply with two rules when fundraising in a personal capacity:

- An employee may not use or permit the use of the employee's official Government title, position, or any authority associated with his or her office to further a fundraising effort.
- An employee may not request funds or other support from a subordinate or from a person whom the employee knows to be a "prohibited source" (as defined in 5 C.F.R. §2635.203) even if the employee does not refer to his or her official Government title or position. However, if an employee's request is conveyed through the media or is addressed to a group of many persons in a mass mailing or otherwise, this rule is not violated if the request reaches a subordinate or a prohibited source, unless the employee knew that the request was targeted at subordinates or prohibited sources.

Where employees are "active participants" in outside organizations in their private capacities, the impartiality provisions of 5 C.F.R. Part 2635, Subpart E, apply. This means that, unless authorized by a Deputy Ethics Official, employees may not participate in EPA matters which involve such organizations as specific parties if "a reasonable person with knowledge of the facts" would question their impartiality. You will have a covered relationship with the ~~FOIA EXEMPTIONS~~ because it is an organization in which you are an active participant. 5 C.F.R. § 2635.502(b)(v). Active participation is defined as involving service in a capacity similar to that of a committee or subcommittee chairperson or spokesperson, or participation in directing the activities of the organization. *Id.* Executive branch employees are required to consider whether their impartiality may be questioned whenever their involvement in a particular matter involving specific parties might affect certain personal and business relationships. You should not participate in the matter unless you have informed me of the appearance problem and received authorization from me.

Lastly, you are reminded that under the regulations in Part 2635, you must undertake outside employment activities only on your own time (including duly approved leave), away from EPA premises, and *without* the use of any governmental personnel or government property such as

telephones, office supplies, or office machines. Using Government office equipment for commercial purposes or in support of other "for profit" activities such as outside employment or businesses is not a permissible activity under EPA's Policy on Limited Personal Use of Government Office Equipment. <http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/2101-0.pdf> In addition, any leave or credit time which you elect to take must be requested and approved in advance by your supervisor.

This approval to serve as a member of the Board of Directors for the ~~FOIA EXEMPTION~~ will remain in effect for one year or for the duration of time that you engage in this particular activity, whichever is shorter. Please note that 5 C.F.R. § 6401.103(d) requires you to submit a revised request to your DEO for administrative approval if there is a change in the nature or scope of the duties or services performed in the aforementioned outside activity. Please also notify me if there are any changes in your EPA job duties that might affect this determination.

Please call Karina Borromeo, Assistant Deputy Ethics Official, at (913) 551-7675 if you have any questions.

Attachment

cc: Request for Approval of Outside Activity File

**MEMORANDUM**

SUBJECT: Request for Approval of Outside Activity

FROM: FOIA EX C  
Office of Regional Counsel

THROUGH: Becky Dolph BDolph  
Deputy Regional Counsel

TO: David Cozad  
Regional Counsel

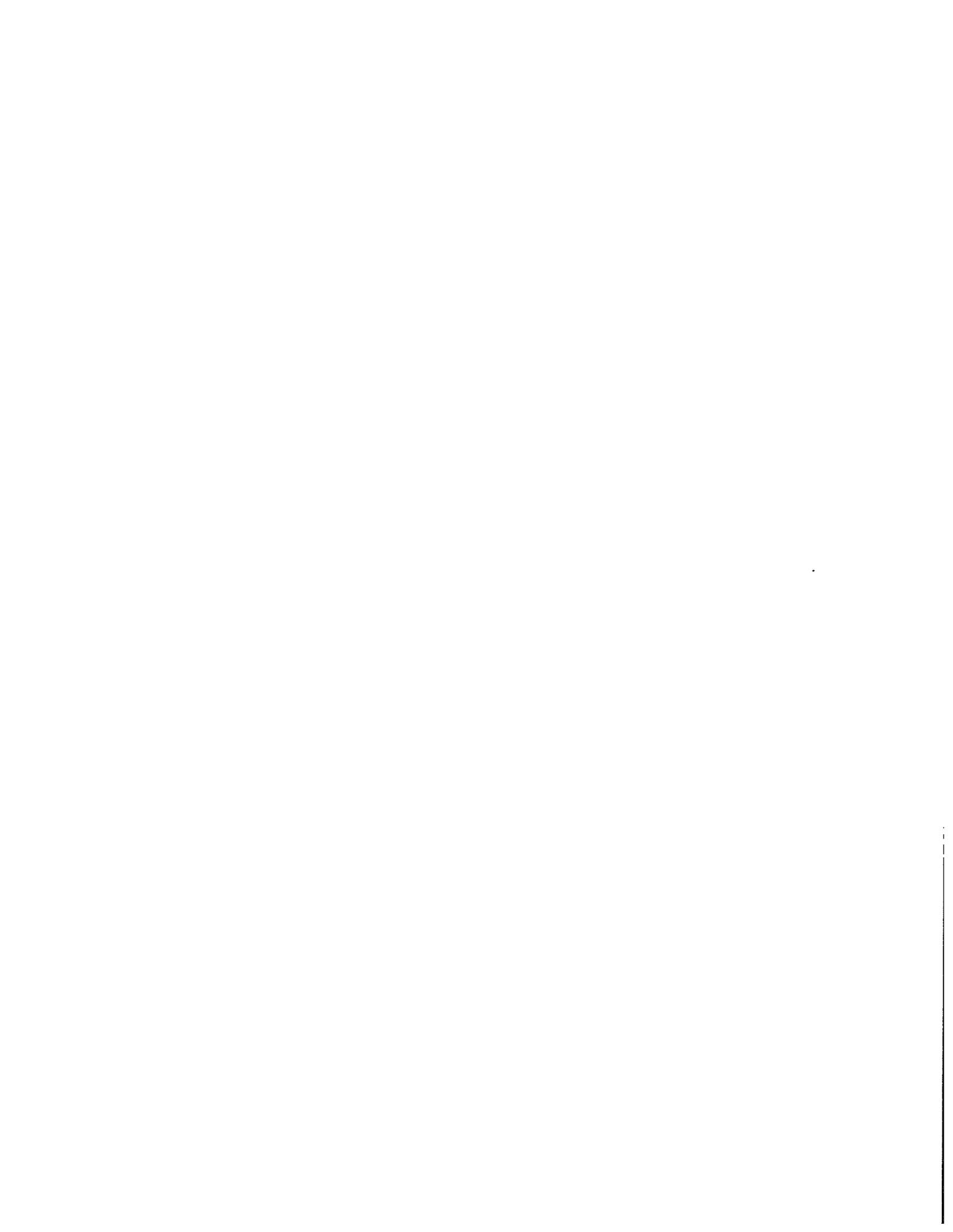
ATTENTION: Karina Borrromeo  
Assistant Deputy Ethics Official

In accordance with 5 CFR § 6401.103, I am requesting approval for my participation in a certain outside activity, namely as a member of the Board of Directors of the FOIA EXEMPTION 6 FOIA EX C of FOIA EX C. The pertinent information is as follows:

- (1) Employee's name, title and grade; and a detailed description of employee's EPA job duties; *Yolanda Holden, Regional Criminal Enforcement Counsel, Grade 14; Duties include working with CID/OCEFT to enforce, defend, and implement federal laws and regulations in accordance with EPA policies and priorities, reviewing and providing opinions on legal and policy issues; representing the EPA as a legal and enforcement official before the public, courts and media whenever necessary and required; constructing legal memos; regularly communicating and collaborating with CID staff and Regional Counsel staff on priorities, goals, and assigned activities. I have no duties that involve EPA grants.*
- (2) Nature of the outside activity, including a full detailed description of the services to be performed and the amount of compensation expected. If the request involves teaching, provide an explanation of course. If without compensation, so state; *I will be serving without compensation as a member of the Board of Directors for the FOIA EXEMPTION 6 of FOIA EX C. The FOIA EX C FOIA EX C is a non-profit, grass-roots organization dedicated to reducing health disparities in the African American community through advocacy, health screenings and health promotion activities. I will be responsible for the affairs and property of the corporation, I will assist in governing and developing policy and fundraising for the corporation.*
- (3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months); *The work will be done on behalf of the FOIA EXEMPTION 6*

*Inc., and it is not self-employment.*

- (4) The estimated time to be devoted to the activity; *Approximately 6 hrs/month.*
- (5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required); *The services will be performed entirely outside of normal duty hours.*
- (6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment; *"No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with my duties as a member of the Board of Directors." YA*
- (7) The basis for compensation (e.g., fee, per diem, per annum, etc.); *No compensation.*
- (8) The employee's statement that he or she has read, is familiar with and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102; *"I have read and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102." YA*
- (9) An identification of any EPA assistance agreements, i.e., grants, or contracts held by a person to or for whom services would be provided: *There have been 2 grants awarded to the FOIA EX 6 by EPA which have been closed out: namely 1) FOIA EX 6, from October 2008 to March 2010, for \$15,518; and 2) FOIA EX 6 from July 2007 to July 2010, for \$50,000. Plans are underway to apply for another EPA grant next month in the amount of \$25,000, FOIA EX 6. I will recuse myself and not participate in any regard with this planned or any other EPA grant application process.*





FOIA EXC  
07/21/2004 10:34 AM

To: Al McGartland/DC/USEPA/US@EPA  
cc: Shelley Levitt/DC/USEPA/US@EPA  
Subject: DEO Approval

When I began employment in September of 2003, I made Brett Snyder aware that I was involved in consulting with the USDA Forest Service. I informed him I was in contact with Peggy Love in the Office of General Counsel and kept him in the loop via email and conversation with how this was progressing. Brett did tell me that Al McGartland was the deputy ethics official for my division and that if I had further complications, I could seek Al's help.

From Mrs. Love's email, I was under the impression that I would not violate any federal statutes by completing my contract with the Forest Service, as I had signed the contract prior to my employment with EPA. I was unaware that I needed direct approval from my deputy ethics official before I continued working on the outside consulting project. I will immediately seek to resolve this situation with my deputy ethics official before I move further on this outside project.

^^  
FOIA EXC  
US EPA, NCEE  
1200 Pennsylvania Ave., NW, MC EXC  
Washington, DC 20460  
Phone FOIA EXC  
Fax (202): FOIA EXC  
^^



Peggy Love  
10/20/2003 04:13 PM

To: ~~FOIA EXG~~ 3rd/DC/USEPA/US@EPA  
cc: Brett Snyder/DC/USEPA/US@EPA, mbowker@fs.fed.us, Peggy Love/DC/USEPA/US@EPA  
Subject: Re: R10 contract [ ]

After consulting with the Office of Government Ethics, I don't think you would be violating any ethics standards if you were to complete your contract with the Forest Service. You may want to review OGE opinion 99 x 4 for further information. It can be found on the OGE website at:

[http://www.usoge.gov/pages/advisory\\_opinions/advop\\_files/1999/99x4.html](http://www.usoge.gov/pages/advisory_opinions/advop_files/1999/99x4.html)

You should also contact the procurement office to make sure there are no problems under the Federal Acquisitions Regulations (FAR).

Peggy Love  
Attorney (Ethics)  
7454K AR-N  
(202) 564-1784  
Peggy Love

Peggy Love  
10/17/03 10:25 AM

To: ~~FOIA EXG~~ /DC/USEPA/US@EPA  
cc: Brett Snyder/DC/USEPA/US@EPA, mbowker@fs.fed.us, Peggy Love/DC/USEPA/US@EPA  
Subject: Re: R10 contract [ ]

I think it will be okay for you to invoice the Forest Service for work you did prior to being employed by EPA.

Peggy Love  
Attorney (Ethics)  
7454K AR-N  
(202) 564-1784

~~FOIA EXG~~  
10/14/03 02:29 PM

To: Peggy Love/DC/USEPA/US@EPA  
cc: Brett Snyder/DC/USEPA/US@EPA, ~~FOIA EXG~~  
Subject: Re: R10 contract [ ]

The contract is between the Forest Service and myself. There is no intermediary; I contact the FS directly. I work with R-10 and also a FS research scientist at the Southern Research Station in Athens, GA. I received an updated copy of the contract, effective this summer, before my hire date with EPA. I have attached a copy of the contract. I can provide you with an official paper copy if necessary.

On a somewhat similar note, I have finally received a purchase order number that will allow me to invoice the FS on work that I completed in July, before I was employed by EPA. I have just received the PO, thus I am late in invoicing the FS. I intend to submit an invoice for this part of the project, but wanted you to be aware that I was doing so. Will my submission of an invoice for work completed before my employment with EPA and receiving the subsequent payment violate any ethics statutes?

Thank you for your help,

\*\*\*\*\*

FOIA EXC  
US EPA, NCEE  
1200 Pennsylvania Ave., NW, MC-EX  
Washington, DC 20460  
FOIA EXC

^^



R10-ADV-ASSISTCONTRACTFORSRSNVUMSTUDY--pha

Peggy Love

Peggy Love  
10/14/03 11:20 AM

To: FOIA EXC C/USEPA/US@EPA  
cc: Peggy Love/DC/USEPA/US@EPA  
Subject: Re: R10 contract

I have reviewed your E-mail concerning your desire to continue working on a project with the USDA Forest Service Region 10 Alaska and the relevant ethics statutes and regulations. I need some additional information.

Is the contract between you and the Forest Service? Or does someone else have the contract with the Forest Service and you are a subcontractor? Do you deal with the Forest Service one on one, or do you do the work and someone else actually reports back to them? Could I get a copy of the contract?

Thanks.

Peggy Love  
Attorney (Ethics)  
7454K AR-N  
(202) 564-1784  
FOIA EXC



FOIA EXC  
09/29/03 11:14 AM

To: Peggy Love/DC/USEPA/US@EPA  
cc: Brett Snyder/DC/USEPA/US@EPA  
Subject: R10 contract

Mrs. Love,

I hope you had a good weekend in AR. The mountains are refreshing this time of year.

I left you a voice message this morning, but given that my voice mail isn't working, I thought I would also respond by e-mail. Per our conversation on Friday, I wanted to send you a brief look into the situation I am involved in. I was hoping I could send you a draft of what I intend to officially submit and that you would offer some advice. Below is some of the information. Is this what you had in mind? Would you like more detail? I am unfamiliar with this process and would appreciate any advice you could give.

FOIA EXC

US EPA, OPEI, NCEE

PH: FOIA EXEMPTIONS

I am a new hire to the EPA, with the National Center for Environmental Economics. One project I was involved in before I came on as an employee with the EPA was an individual project with the USDA Forest Service Region 10- Alaska. In January, 2003, I contracted with the Forest Service, through 4 sub-contracts, to aid in estimating recreation activity demand on National Forests in Alaska. I performed these duties on my own time outside of normal business hours and using personal equipment and resources.

My duties at EPA-NCEE involve researching and analyzing economic data; preparing interpretive reports; providing advice and consultation on the benefits and costs of meeting national environmental standards and regulation; economic impact modeling and measures; and analysis of economic incentive mechanisms.

I understand that there is a statute that disallows me representing in front of the Forest Service while an employee of the EPA. However, given that the contract was signed before I was under employ of the Federal government will it be possible to continue my work for the Forest Service. I intend to only use personal resources, including time and equipment, to fulfill my obligation the Forest Service.

Date: July 24, 2008

To: Al McGartland, NCEE

From: FOIA EX6 NCEE

Purpose: Approval of Outside Employment at Georgetown University for Fall 2008 and Spring 2009

I am seeking approval for outside employment to teach a Masters level class at FOIA EX6 University for the fall and spring semesters. The classes will consist of providing a supervisory role to students as they design a research project from start to finish that will then serve as their thesis. I will supervise students that have chosen to concentrate their research on an energy or environmental issue. The class will be held on Tuesday evenings.

This year-long (two-semester) course is aimed at preparing Master-level students for a possible future career in academics, where they would be required to initiate and execute original studies on public policy. They are required to conduct original research (with an emphasis on quantitative or empirical aspects) on some particular issue in public policy, and present the results in the form of a paper. The purpose of the course is to successfully use data and multivariate regression methods to analyze a specific, testable question.

The course is divided into two semesters. In the fall semester the students write a research proposal that described the research question and how they plan to address it. In the spring semester, they will conduct empirical analyses – running initial regressions, interpreting results, performing robustness checks as and when needed (and feasible), drawing policy implications and discussing potential drawbacks of and directions for future research.

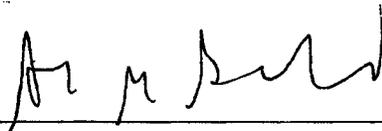
Key contact:

FOIA EX6  
Assistant Dean,

FOIA EXEMPTION 6

FOIA EXEMPTION 6

FOIA EX6

Approval Signature: 

Date: 7/28/08

**REQUEST FOR APPROVAL OF OUTSIDE EMPLOYMENT**

**JAN 4 2005**

**SUBJECT:** Request for Approval for Outside Employment Pursuant to 5 CFR 6401.103.

**FROM:** FOIA EXEMPTION 6  
Associate Regional Counsel  
GS-14

**THRU:** Sandra M. Lee  
Section Chief

*Sandra M. Lee 01.04.05*

**TO:** Bertram C. Frey  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

Pursuant to 5 CFR 6401.103, I hereby request approval for outside employment and state the following in support of this request.

1. The nature of the outside activity: appointment as Adjunct Professor of Law for the Spring 2005 semester to teach Current Issues in Environmental Law seminar on Wednesdays from 7:35 - 9:35 p.m..
2. The name and business of the person or organization for which the work will be done: FOIA EX 6 College of Law.
3. The estimated amount of time to be devoted to the activity: 2 hours directly per week, plus preparation time, expected to be another 2-4 hours per week.
4. The amount of compensation expected: \$ FOIA EX 6
5. The basis for compensation (e.g., fee, per diem, per annum, etc.): The above fee is for the Spring 2005 semester, commencing January 18, and ending May 3.
6. The service will be performed entirely outside of normal duty hours.
7. To the best of my information and belief FOIA EX 6 College of Law does not hold any EPA assistance agreements or contracts.
8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

March 15, 2007

**MEMORANDUM**

**SUBJECT:** Approval of Outside Employment

**FROM:** FOIA EXEMPTIONS Chief  
Multi-Media Branch I

FOIA EXEMPTIONS

**TO:** Robert A. Kaplan  
Acting Regional Counsel

This memo is directed to you as the Deputy Ethics Official, requesting approval of outside employment pursuant to 5 C.F.R. § 6401.103.

For four years, I have taught environmental law to graduate paralegal students at the School for FOIA EXEMPTIONS at SUNY University. Through that connection, FOIA EXEMPTIONS of FOIA EXEMPTIONS recently contacted me about a proposed new textbook, "Environmental Law for Paralegals," by FOIA EXEMPTIONS. FOIA EXEMPTIONS asked me to review and comment (by April 9, 2007) on the table of contents and a few sample chapters. I would receive no compensation for this work.

As you know, my current grade is GS-15. I estimate that I will spend approximately 8 hours to review and comment on approximately 120 pages of the book. All work will take place entirely outside of normal duty hours. I will use no official duty time or government property, resources or facilities not available to the general public in connection with the outside employment. I am familiar with the ethical requirements and restrictions contained in 5 C.F.R. Part 2635 and § 6401.102. I am not aware of any U.S. EPA assistance agreements or grants held by FOIA EXEMPTIONS University or FOIA EXEMPTIONS.

If you approve of this request, please sign below and return this memo to me. If you disapprove, please let me know and we can discuss your concerns. Thank you very much.

Approved:

Robert A. Kaplan

3-21-07  
Date

cc: Nola Hicks



## REQUEST FOR APPROVAL OF OUTSIDE EMPLOYMENT/ACTIVITY

### MEMORANDUM

SUBJECT: Request for Approval for Outside *Employment/Activity* pursuant to 5 CFR 6401.103.

FROM: FOIA EXEMPTION 6 FOIA EX 6  
Supervisory Attorney GS-15

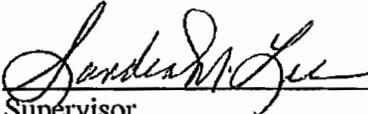
THRU: Jane Lupton  
Branch Chief

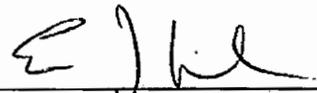
TO: Robert A. Kaplan  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

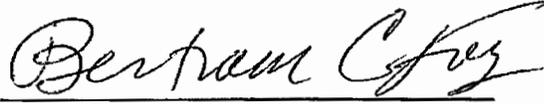
Pursuant to 5 CFR 6401.103, I hereby request approval for outside employment and state the following in support of this request.

1. The nature of the outside activity, including a full description of the services to be performed: Counseling of low-income residents of FOIA EX 6 y who are representing themselves in uncontested divorces through the Pro Se Divorce Clinic, sponsored by the FOIA EX 6  
FOIA EXEMPTION 6
2. The name and business of the person or organization for which the work will be done: Work will be done for low-income residents of FOIA EX 6 y through the
3. The estimated amount of time to be devoted to the activity: 2-3 hours per month.
4. The amount of compensation expected: No compensation.
5. The basis for compensation (e.g., fee, per diem, per annum, etc.): N/A.
6. The service **will not** be performed entirely outside of normal duty hours {if not, estimate the number of hours of absence from work required}. Clinics are held in the evening (outside of normal duty hours) and at the lunch hour (during normal duty hours). If I attend a clinic held during normal duty hours, I will take annual leave or "core hours absent" under maxi-flex. If during the lunch hour, I would expect to be gone 1 – 1 ½ hours. I expect to attend one evening or one lunch hour clinic per month.
7. The person to or for whom services would be provided **does not** hold any EPA assistance agreements or contracts.
8. No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment in accordance with the EPA "Limited Personal Use" Policy.

9. I have read, and am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 6401.102.

Approved by  Date: 01.04.05  
Supervisor

Approved by  Date: 1/5/05  
Branch Chief

Approved by  Date: 1/05/2005  
Bertram C. Frey  
Deputy Ethics Official  
Office of Regional Counsel, Region 5

By signing this approval, the Deputy Ethics Official signifies that approval has been granted upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and 6401.102, as required by 5 CFR 6401.103.

## Application for Outside Activities

Applicant's Name: FOIA EXEMPTING  
Thru: FRED WEEKS Office: OARM

Date Submitted: 01/22/2013  
Status:  Pending  Rejected  
 Concurred  Withdrawn  
 Approved  Other Status Date: 01/22/2013

Application Memo: [← Attach Memo](#) Expiration: 01/22/2018

Conditions Memo:   
Outside Activity FOIA EXEMPTING Conditions Memo.pdf [← Attach Memo](#)

Approval Memo:   
Outside Activity FOIA EXEMPTING approval.pdf [← Attach Memo](#)

Please answer all questions:

Enter your current Job Description: Manager MCS

- Nature of the outside activity/employment, including a full description of the services to be performed:  
FOIA EXEMPTING Board of Selectmen  
The FOIA EXEMPTING Board of Selectmen has five members who are elected to serve three year terms, as defined by the Town Charter and the Term of Office Bylaw. The Town Charter, Bylaws, and the General Laws of FOIA EXEMPTING grant the Selectmen broad powers to govern the Town.  
  
The Selectmen appoint more than 20 boards and committees (permanent and ad hoc). The Selectmen act as the primary policy-making body for a wide variety of issues, which affect the Town's development and provision of services. They recommend the budget to the Annual Town Meeting, approve the reorganization of Town departments; provide oversight for matters in litigation; and act as the licensing authority for a wide variety of licenses and permits. The Selectmen also enact Rules and Regulations for such matters as traffic control, underground wiring and street lighting.
- Amount of compensation expected, if any:  
none
- Name and business of the person or organization for which the work will be done (if you will be self-employed, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):  
Town of
- Estimated time to be devoted to the activity:  
20 hours/month
- Indicate whether the service will be performed entirely outside of normal duty hours; if not, estimate the number of hours of absence from work required:

All services will be performed entirely outside of normal duty hours.

6. If the outside activity/employment will include consulting or professional services to institutions which have or may seek federal assistance agreements or contracts, please note the assistance agreements or contracts involved. Include full details of any service which involves preparing grant applications, contract proposals or program reports. Indicate the basis for compensation (e.g. fee, per diem, per annum, etc.):

To my knowledge, the Town of *POINTE* will not seek consulting or professional services, or assistance agreements or contracts from EPA. If, however, *POINTE* does seek such agreements, I will not be a party to this matter.

7. Describe the basis for compensation (e.g., fee, per diem, per annum, etc.)

n/a

8. **Employee Statement:**

I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and & 6401.102. No official duty time or government property, resources or facilities not available to the general public will be used in connection with the outside activity/employment.

Agree     Disagree

- (3) **The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);**

FOIA exemption 6

For more information about the EMGT program contact:

FOIA exemption 6

- (4) **The estimated time to be devoted to the activity;**

Over the course of the 16 week semester, classes of ~4 hours each will occur on Thursday evenings (64 hours). Over the course of 16 weeks, a total of 128 hours is expected.

- (5) **Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);**

All work will be performed outside normal duty hours. There would be no leave of absence from my regular work schedule. The class is an evening class at the <sup>1</sup> exemption 6 s, scheduled for Thursday evenings.

- (6) **The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;**

I will not be using my official workspace, time or government property to perform these outside activities.

- (7) **The basis for compensation (e.g., fee, per diem, per annum, etc.);**

The basis for compensation is ~~Ex 6~~ per course.

- (8) The employee's statement that he or she has read, is familiar with and will abide by the restrictions described in 5 CFR Part 2635 and § 6401.102; and**

I have read and will abide by the restrictions described in 5 CFR Part 2635 and 6401.102.

- (9) An identification of any EPA assistance agreements, i.e., grants, or contracts held by a person to or for whom services would be provided.**

A request to RFMB on October 17<sup>th</sup>, indicates one grant is currently held by the University of Kansas. The grant was awarded and is administered by WPIB/WWPD to KU for \$212,627 for purposes of developing protocols for sampling pristine and disturbed playa wetlands. The project officer for the grant is James Thorpe of the Kansas Biological Survey (KBS), a research and service center of the University of Kansas (KU) and an agency of the State of Kansas. To my knowledge, KBS does not have any interaction with the Edwards Campus or the EMGT program of KU. I have not met or had any interaction with James Thorpe, although I have interacted with other members of KBS in the past on projects unrelated to wetlands. However, neither I, nor ENSV awarded, administers, or monitors this current grant with KU. Information regarding the grant is attached.

If you have questions regarding the information listed above, please contact me at x7146.

cc: Karina Borromeo, CNSL

attachments (2)



Richard  
Kuhlman/DC/USEPA/US  
03/14/2006 02:29 PM

To Howard Corcoran/DC/USEPA/US@EPA  
cc  
bcc  
Subject Re:

Looks good. However, tell him to get advance approval of his request, not after the fact. This may be a problem since I am not sure when the committee meeting is this month. Marguerite is back next week. Also, please cc: Marguerite and me with the final.

Richard T. Kuhlman, Director  
Grants Administration Division  
Office of Grants and Debarment  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20460  
Mail Code 3903 R

Work Location:  
Room 51221  
Ronald Reagan Building

Kuhlman.Richard@epa.gov

Phone Number: (202) 564-0696  
FAX Number: (202) 565-2469  
Howard Corcoran/DC/USEPA/US



Howard  
Corcoran/DC/USEPA/US  
03/13/2006 04:49 PM

To Richard Kuhlman/DC/USEPA/US@EPA  
cc  
Subject

Rich, Please stop by re this. Thanks, Howard.

DRAFT - 3/13/06

Hi, <sup>ex b</sup> You requested that I reconsider my determination that administrative leave would not be available to you for your participation in coming meetings of the <sup>ex b</sup> Advisory Committee on Women Veterans. In support of your request, you provided me a copy of your position description (PD). The PD contains a number of statements indicating that your duties include outreach to minorities, women and service-disabled veterans regarding procurement opportunities under EPA grants.

Based on my conversations with the staff in the <sup>ex b</sup>, it appears that the primary focus of the Advisory Committee is to address the health care needs of women veterans. In light of this focus, the nexus between your EPA official duties and the Committee's activities is very attenuated. At the same time, consistent with the Agency's Leave Manual, I believe it is within the discretion of your supervisors to grant you administrative leave to participate in Advisory Committee meetings, on the ground that your participation will enhance your

professional skills.

It should be noted, however, that you are not automatically entitled to administrative leave to attend all Committee meetings. Rather, the granting of administrative leave will be determined by your supervisors on a case-by-case basis. This means that for the upcoming March meeting, and for any future meetings, provision of administrative leave will depend on the work needs of the office, and whether you are satisfactorily carrying out your job responsibilities and assignments at that time. I note that you are currently under a Performance Assistance Plan and your performance under that plan will be considered in deciding whether to grant you administrative leave for the Committee's March meeting.

If you have any additional questions, please let me know. Thanks, Howard.

Peggy  
Love/DC/USEPA/US  
03/13/2006 09:48 AM

To Howard Corcoran/DC/USEPA/US@EPA  
cc David Guerrero/DC/USEPA/US@EPA, Peggy Love  
bcc  
Subject Re: Ethics Advice 

I concur from an ethics perspective.

Peggy Love  
Attorney (Ethics)  
Deputy Ethics Official (DEO)  
Office of General Counsel  
7454K AR-N  
(202) 564-1784  
Howard Corcoran/DC/USEPA/US



Howard  
Corcoran/DC/USEPA/US  
03/10/2006 04:39 PM

To David Guerrero/DC/USEPA/US@EPA  
cc Peggy Love/DC/USEPA/US@EPA  
Subject Re: Ethics Advice 

Hi, David. Sorry it took me so long to get back to you on this. I tried to capture the advice you gave me. Feel free to revise. Thanks, Howard.

DRAFT - 3/10/06

*EX 6* You requested that I reconsider my determination that administrative leave would not be available to you for your participation in upcoming meetings of the *EX 6* Advisory Committee on Women Veterans. In support of your request, you provided me a copy of your position description (PD). The PD contains a number of statements indicating that your duties include outreach to minorities, Women and Service-Disabled Veterans regarding procurement opportunities under EPA grants.

Based on my conversations with the staff in the *EX 6* the primary focus of the Advisory Committee is to address the health care needs of Women veterans. In light of this focus, the nexus between your EPA official duties and the Committee's activities is very attenuated. At the same time, consistent with the Agency's Leave Manual, I believe it is within the discretion of your supervisors to grant you administrative leave to participate in Advisory Committee meetings, on the ground that your participation will enhance your professional skills.

It should be noted, however, that you are not entitled to administrative leave to attend the Committee meetings. Rather, the granting of administrative leave will be determined by your supervisors on a case-by-case basis. This means that for the upcoming March meeting, provision of administrative leave will depend on the work needs of the office and whether you are satisfactorily carrying out your job responsibilities, including the assignments and tasks in your Performance Assistance Plan.

If you have any additional questions, please let me know. Thanks, Howard.

*EX 6*

/DC/USEPA/US



EX 6  
DC/USEPA/US  
01/18/2006 02:22 PM

To Howard Corcoran/DC/USEPA/US@EPA  
David Guerrero/DC/USEPA/US@EPA, Kenneth  
Wernick/DC/USEPA/US@EPA, Marguerite  
cc Pridgen/DC/USEPA/US@EPA, Richard  
Kuhlman/DC/USEPA/US@EPA  
Subject Re: Ethics Advice [ ]

Hi Howard:

I do not believe you responded to my questions I presented to you on 12/19/05, below. You also dropped by my office shortly after Christmas and asked me for a copy of my position description to help you review the issue of administrative leave since your impression was that my work with the committee did not relate to my duties at EPA and I pointed out to you that the duties did indeed relate to one another as shown in my position description. However, you did not get back to me. I do appreciate the holidays during December and January and your busy schedule.

I would appreciate it if you would clear these issues for me.

Thank you,

EX 6

Howard Corcoran/DC/USEPA/US



Howard  
Corcoran/DC/USEPA/U  
S  
12/22/2005 07:47 AM

To EX 6 /DC/USEPA/US@EPA  
David Guerrero/DC/USEPA/US@EPA, Kenneth  
Wernick/DC/USEPA/US@EPA, Marguerite  
cc Pridgen/DC/USEPA/US@EPA, Richard  
Kuhlman/DC/USEPA/US@EPA  
Subject Re: Ethics Advice [ ]

Hi, EX 6, Per your request, I will take another look at the administrative leave issue. Thanks,  
Howard,

EX 6 /DC/USEPA/US



EX 6  
DC/USEPA/US  
12/19/2005 05:33 PM

To Howard Corcoran/DC/USEPA/US@EPA  
cc David Guerrero/DC/USEPA/US@EPA, Kenneth  
Wernick/DC/USEPA/US@EPA, Marguerite  
Pridgen/DC/USEPA/US@EPA, Richard  
Kuhlman/DC/USEPA/US@EPA  
Subject Re: Ethics Advice [ ]

Howard:

Regarding your response below to my request of November 7, 2005, for your opinion on certain ethics issues relative to my appointment to a f EX 6 Committee on Women Issues, I have a few questions and comments:

1. Does the EPA supplemental ethics regulations define an appointment to a Federal government agency advisory committee the same as "outside employment", as you conclude in the first paragraph of your e-mail? Please explain this statement further since I see no semblance in the two activities.

2. Does an appointment of a Federal employee by a Secretary of a Federal Department require official approval of the employee's supervisor(s), since appointments of this nature are a recognition of the employee's skills and contributions in certain fields, and many federal employees serve in various community non-profit organizations to the benefit of society and the country, in general.

3. I understand the dual compensation provisions of the ethics rules, as long as I am an employee of the federal government. I have no intention to apply for leave without pay status in order to receive the consultant fee. This is a no-brainer since my pay per day while on pay status is double that of the consultant fee. My only interest in this issue is to get an official opinion based clearly on the ethics regulations. Further, the consultant fee of \$EX 6 per day does not override my interest to contribute to the mission of the Advisory Committee on Women Veterans.

4. Finally, notwithstanding the consultant fee (it is clear I can not receive dual compensation while a government employee), I believe that you are justified to grant me administrative leave to participate in the activities of the Committee on Women Veterans since these activities are indeed related to my duties at the EPA. One of my major Performance Plan Elements is to "Assist OSDBU with developing an effective, timely, and efficient outreach program to ensure that Minorities, Women, and Service-Disabled Veterans receive information about economic opportunities with the EPA and become active participants in our Agency's programs and activities." As you know, Women Veterans are all of the aforementioned groups, but for obvious reasons they have not been recipients of the same benefits and services as such groups. This is why Congress passed legislation in 1994 authorizing the Department of Veterans Affairs (VA) to establish a Center for Women Veterans, and the Advisory Committee on Women Veterans works hard to ensure that Women Veterans receive the same benefits and services on par with the same groups we service here at OSDBU/EPA.

In this regard, I respectfully request that you reconsider your decision and to grant me administrative leave for this very important activity for Women Veterans and our Country.

Thank you,  
EX 6

Howard Corcoran/DC/USEPA/US



Howard  
Corcoran/DC/USEPA/  
US  
12/12/2005 09:38 AM

To EX 6  
Kenneth Wernick/DC/USEPA/US@EPA, David  
Guerrero/DC/USEPA/US@EPA, Richard  
Kuhlman/DC/USEPA/US@EPA, Marguerite Pridgen  
Subject Ethics Advice

Hi, ~~EXB~~. This responds to your request for advice about your appointment to a Department of Veterans Affairs Advisory Committee on Women Veterans. As you know, EPA's supplemental ethics regulations require employees to obtain approval from their Deputy Ethics Official before engaging in certain outside employment.

I have carefully reviewed the information you submitted to me and am approving your request to serve on the Advisory Committee, provided you comply with the restrictions in 5 U.S.C. Section 5533. Specifically, based on conversations with Ethics Attorneys from the Department of Veterans Affairs, I understand that you will be treated as a Special Government Employee (SGE). Typically, the Department pays a consultant fee, in the amount of ~~\$200~~ per day, to an SGE that sits on one of their Advisory Committees. However, since you continue to be an employee of EPA, you are subject to the prohibition against dual compensation contained in Section 5533. Under the statute, you cannot receive your full EPA salary and also accept the consultant fee. The only way for you to accept the consultant fee would be to attend the Advisory Committee meetings in leave without pay status. Further, should you forego the consultant fee, I cannot grant you administrative leave for this activity because your work with the Advisory Committee does not relate to your duties at EPA.

If you have any questions, please let me know. Thanks, Howard.

Howard Corcoran/DC/USEPA/US wrote. -----

To: ~~EX 6~~ ;DC/USEPA/US@EPA

From: Howard Corcoran/DC/USEPA/US

Date: 07/07/2011 07:57AM

Cc: Vass.Catherine@epa.gov, Jennie Keith/DC/USEPA/US@EPA, Denise Benjamin-Sirmons/DC/USEPA/US@EPA

Subject: Re: NGMA Board Of Directors Conflict of Interest

Hi ~~EX 6~~ I have evaluated your request under the standards set forth in EPA Ethics Advisory 97-12 and after consultation with the OGC Ethics Office.

You may serve on the Board of Director of ~~EX 6~~, but not as part of your official duties. In order to avoid violating any criminal statutes and any perception that EPA is endorsing ~~EX 6~~, this means:

Criminal Issues:

1) You cannot participate in your official EPA capacity on any matters that involved the ~~EX 6~~. For example, you must recuse yourself from any request by NPTCD employees to attend ~~EX 6~~ training activities; you cannot direct any employee to participate in ~~EX 6~~ activities (e.g. directing employees to speak at the conference); you cannot approve travel authorizations and vouchers involving NGMA activities. Why? 18 USC 208 prohibits your participation in particular matters in which you have a financial interest. Under this statute, the financial interests of organizations on which you serve as a director are imputed to you and treated as if they are your own financial interest. Any items that come to your attention should be directed to Denise Benjamin-Sirmons, OGD's Deputy Office Director, for action (you cannot advise on anything – your sole responsibility is to refer them to her for action);

2) You may not represent ~~EX 6~~ back to EPA or to the Federal Government (except Congress) on issues where ~~EX 6~~ seeks official action, such as asking EPA or other Federal officials to speak at conferences. This does not preclude you from making recommendations to ~~EX 6~~ about EPA involvement in ~~EX 6~~ conferences (e.g. behind-the-scenes assistance), but the request to EPA must come from someone other than yourself – you cannot be the face or the voice of the communication back to the Federal Government. See 18 USC 205.

Standards of Ethical Conduct Issues:

3) You may not include your official EPA title on any ~~EX 6~~ listing of its Board of Directors, including but not limited to listings in ~~EX 6~~ publications or websites;

4) You must perform Board of Director activities only during non-duty hours (e.g., at lunch time or on annual leave);

5) You must use a separate email account to conduct Board of Director business;

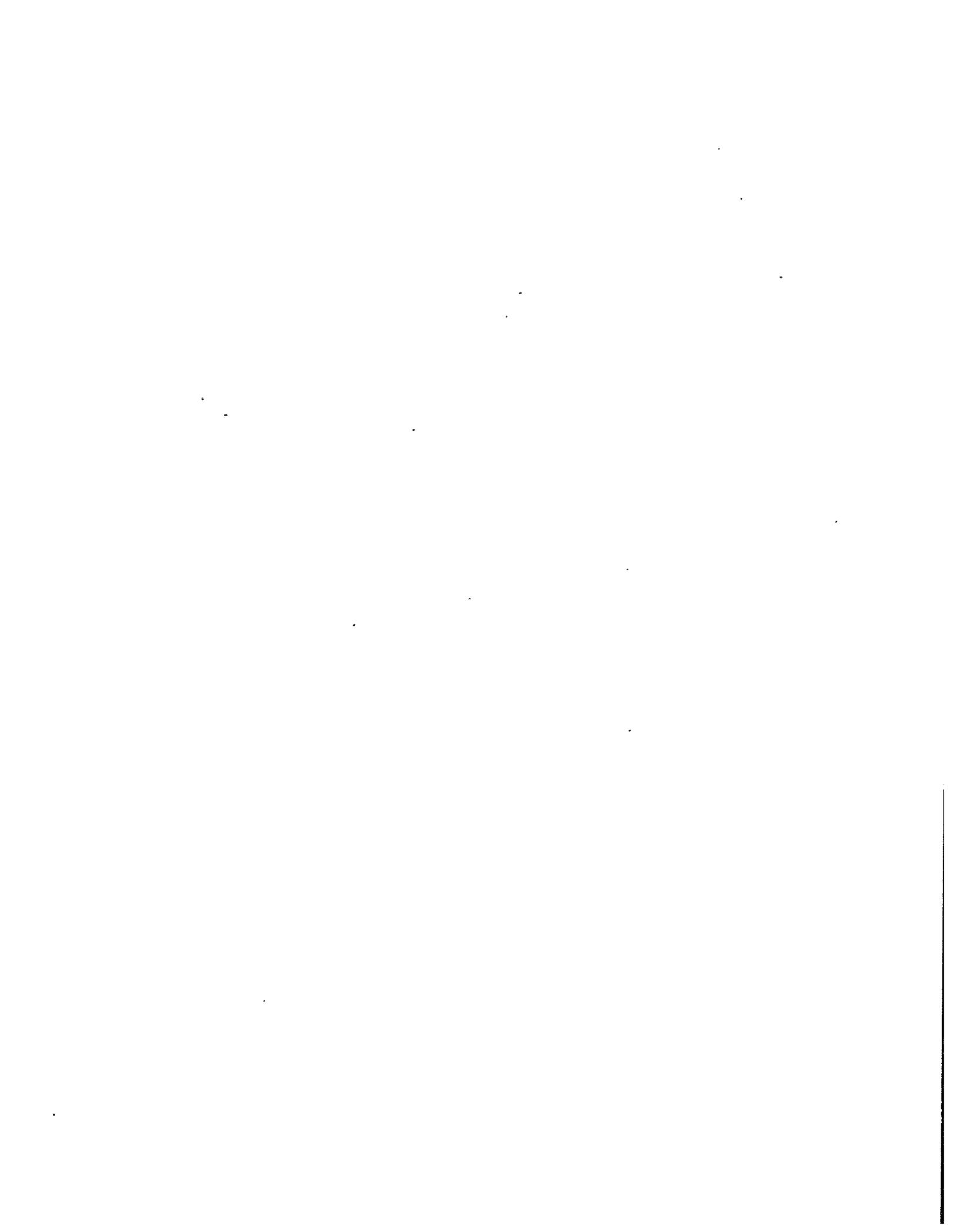
6) Brief calls to discuss Board of Director business using your EPA phone line are permissible, provided they comply with EPA's policy on "De Minimus Use of Government Equipment";

Financial Disclosure Issues:

7) You may accept reimbursement from ~~EX 6~~ for travel and related expenses to perform Board of Director activities. Such reimbursement will be treated as a gift that you may accept and must be listed on your OGE Form 450 report on Part V - Gifts. Furthermore, you'll also report this as an outside position under Part III (Outside Positions).

These restrictions only govern your performance of duties as a member of the ~~EX 6~~ Board of Directors. They do not affect your continued ability to attend substantive ~~EX 6~~ training activities as part of your professional development and on official EPA time.

This approval is good for five years. However, should you change jobs or go on detail within EPA, this approval will need to be re-evaluated in light of your new job responsibilities.





Howard  
Corcoran/DC/USEPA/US  
06/26/2008 04:36 PM

To *EX 6* JC/USEPA/US@EPA  
cc Justina Fugh/DC/USEPA/US@EPA  
bcc  
Subject Re: Revised and Final Request for Approval of Outside Activities

Hi, *EX 6* I have reviewed your June 25 request for approval of outside activities in search of employment, taking into account the guidance provided in EPA Ethics Advisory 97-11 and OGC's 2008 "Seeking Employment and Post Employment Checklist for EPA Employees". Given the safeguards described in your request, including your agreement to recuse yourself from involvement in any potentially problematic particular matter and the transfer of case functions to an Alternate Debaring Official, I have determined that your outside activities are not expected to involve conduct prohibited by statute or Federal regulation, including 5 C.F.R. Part 2635 and Section 6401.102. Accordingly, I am approving your request. As required by 5 C.F.R. Section 6401.103 (d), please submit a revised request for approval if there is a change in the nature or scope of the activities. Thanks, Howard.

Howard F. Corcoran  
Director, Office of Grants and Debarment  
U.S. EPA  
(202) 564-1903  
corcoran.howard@epa.gov

\*\*\*\*\*

Please tell us whether we're doing our job to your satisfaction by completing the **OARM Customer Satisfaction Survey**:

<http://www.surveymonkey.com/s.asp?u=727791978418>

Thank you for helping us improve our service to you!

\*\*\*\*\*

*EX 6* JC/USEPA/US



*EX 6* JC/USEPA/US  
06/25/2008 12:00 PM

To Howard Corcoran/DC/USEPA/US@EPA  
cc  
Subject Revised and Final Request for Approval of Outside Activities

*EX 6* Letter for Approval of outside activities (Final).doc



Justina  
Fugh/DC/USEPA/US  
06/26/2008 03:28 PM

To Howard Corcoran/DC/USEPA/US@EPA  
cc  
bcc  
Subject Re: Fw: Revised and Final Request for Approval of Outside Activities [1]

Hi Howard,  
I completely agree and have spoken with <sup>EXB</sup> about his restrictions, too. Your approval is fine!  
Justina

Howard Corcoran/DC/USEPA/US



Howard  
Corcoran/DC/USEPA/US  
06/26/2008 01:02 PM

To Justina Fugh/DC/USEPA/US@EPA  
cc  
Subject Fw: Revised and Final Request for Approval of Outside Activities

Hi, Justina. Does this look ok to you? The only question I have for you is that <sup>EXB</sup> is so well-known (because of his brilliant Federal career in Suspension and Debarment!!), that some trade associations engaging in preliminary discussions with him or folks visiting the web site might recognize his EPA connection, even if he takes pains not to include any reference to his EPA position or title. This issue would be resolved by his recusal from particular matters, right?  
Thanks, Howard

DRAFT

"Hi, <sup>EXB</sup> I have reviewed your June 25 request for approval of outside activities in search of employment, taking into account the guidance provided in EPA Ethics Advisory 97-11 and the 2008 OGC "Seeking Employment and Post Employment Checklist for EPA Employees". Given the safeguards described in your request, including your agreement to recuse yourself from involvement in any potentially problematic particular matter and the transfer of case functions to an Alternate Debaring Official, I have determined that your outside activities are not expected to involve conduct prohibited by statute or Federal regulation, including 5 C.F.R. Part 2635 and Section 6401.102. Accordingly, I am approving your request. As required by 5 C.F.R. Section 6401.103 (d), please submit a revised request for approval if there is a change in the nature or scope of the activities. Thanks, Howard."

Howard F. Corcoran  
Director, Office of Grants and Debarment  
U.S. EPA  
(202) 564-1903  
corcoran.howard@epa.gov

\*\*\*\*\*

Please tell us whether we're doing our job to your satisfaction by completing the OARM Customer Satisfaction Survey:

<http://www.surveymonkey.com/s.asp?u=727791978418>

Thank you for helping us improve our service to you!

\*\*\*\*\*

----- Forwarded by Howard Corcoran/DC/USEPA/US on 06/26/2008 12:18 PM -----

EXB



ex b- DC/USEPA/US

To Howard Corcoran/DC/USEPA/US@EPA

cc

06/25/2008 12:00 PM

Subject Revised and Final Request for Approval of Outside Activities



ex b- Letter for Approval of outside activities (Final).doc

## MEMORANDUM

SUBJECT: Request to Engage in Outside Activities in Search of Employment to Follow Federal Career

FROM: *EXB*  
Senior Debarment Official SL-0905-07

TO: Howard Corcoran, Director  
Office of Grants and Debarment  
Deputy Ethics Official

The purpose of this memorandum is to request your approval for me to engage in outside activities. I have sought the advice of the Agency's Senior Counsel for Ethics to ensure that my current EPA duties do not conflict in any way with my seeking future employment at the conclusion of my Federal career (projected to occur in late September or early October, 2008). Please note that on May 15, 2008, all EPA suspension and debarment case duties were transferred to the EPA Alternate Debarment Official. The Debarment Official position vacancy announcement was formally advertised in search for my replacement on June 10, 2008, and closes on July 11, 2008. My current EPA duties do not entail any suspension and debarment case duties.

### Request for Approval to Engage in Outside Activities

The purpose of this request is to enable me to begin the process of forming an independent business entity to provide educational and consulting services to small or other businesses and/or exempt organizations to educate them about the Federal Suspension and Debarment Program. This business will also provide consulting services to help these businesses and organizations establish and maintain an ethical business culture and procedures to assure contractor and assistance participant compliance with the law and terms of their contracts and/or assistance agreements. I also envision the business will provide a source of independent review and evaluation of respondents' compliance with the terms of Federal suspension and debarment settlement agreements.

This business does not envision serving as legal counsel to any respondent (or appearing before any agency as its representative) in any suspension or debarment proceeding that would otherwise be prohibited by law or regulation. I will not provide any services whatsoever associated with this business until after I am retired from Federal service.

Upon securing your approval, I will then take steps to establish a business entity in the Commonwealth of Virginia for carrying on my

business; construct and post a website; prepare stationary and business cards, and to engage in preliminary discussions with certain trade associations to ascertain potential interest in providing educational services in the initial stages of the business. I will be careful not to include any reference to my EPA position or title in association with this business and its website while I am still employed with EPA.

As noted, I will not actually provide any services until after I retire. I will abide by all laws and regulations applicable to seeking employment and post-employment restrictions, including those related to various "cool-off" periods and not representing anyone in any particular matter in which I had personal and substantial participation during my Federal career. I will not use official time, government property, resources or facilities in connection with my outside employment or activities pursuant to future employment, nor will I engage in my official duties in any particular matter that will have direct and predictable financial effect upon interests that are imputed to me.

As this will be my own business or a business in partnership with another non-Federal person, and the business is yet to establish any leads or prospects for future services, no level of compensation, rate, fee or other form of remuneration is known at this time. I expect that there will be no compensation until after I retire from Federal service.

While the responsibility for all case notices, decisions and settlements of matters before the EPA have been already transferred to the Alternate Debarring Official, in addition I will recuse myself from participating in any particular matter that could potentially serve my post-employment interests or otherwise compromise my objectivity in any matter as a Government official during the course of my transition to civilian life.

## MEMORANDUM

SUBJECT: Request to Engage in Outside Activities in Search of Employment to Follow Federal Career

FROM: Ex 6  
Senior Debarring Official SL-0905-07

TO: Howard Corcoran, Director  
Office of Grants and Debarment  
Deputy Ethics Official

The purpose of this memorandum is to request your approval for me to engage in outside activities. I have sought the advice of the Agency's Senior Counsel for Ethics to ensure that my current EPA duties do not conflict in any way with my seeking future employment at the conclusion of my Federal career (projected to occur in late September or early October, 2008). Please note that on May 15, 2008, all EPA suspension and debarment case duties were transferred to the EPA Alternate Debarring Official. The Debarring Official position vacancy announcement was formally advertised in search for my replacement on June 10, 2008, and closes on July 11, 2008. My current EPA duties do not entail any suspension and debarment case duties.

### Request for Approval to Engage in Outside Activities

The purpose of this request is to enable me to begin the process of forming an independent business entity to provide educational and consulting services to small or other businesses and/or exempt organizations to educate them about the Federal Suspension and Debarment Program. This business will also provide consulting services to help these businesses and organizations establish and maintain an ethical business culture and procedures to assure contractor and assistance participant compliance with the law and terms of their contracts and/or assistance agreements. I also envision the business will provide a source of independent review and evaluation of respondents' compliance with the terms of Federal suspension and debarment settlement agreements.

This business does not envision serving as legal counsel to any respondent (or appearing before any agency as its representative) in any suspension or debarment proceeding that would otherwise be prohibited by law or regulation. I will not provide any services whatsoever associated with this business until after I am retired from Federal service.

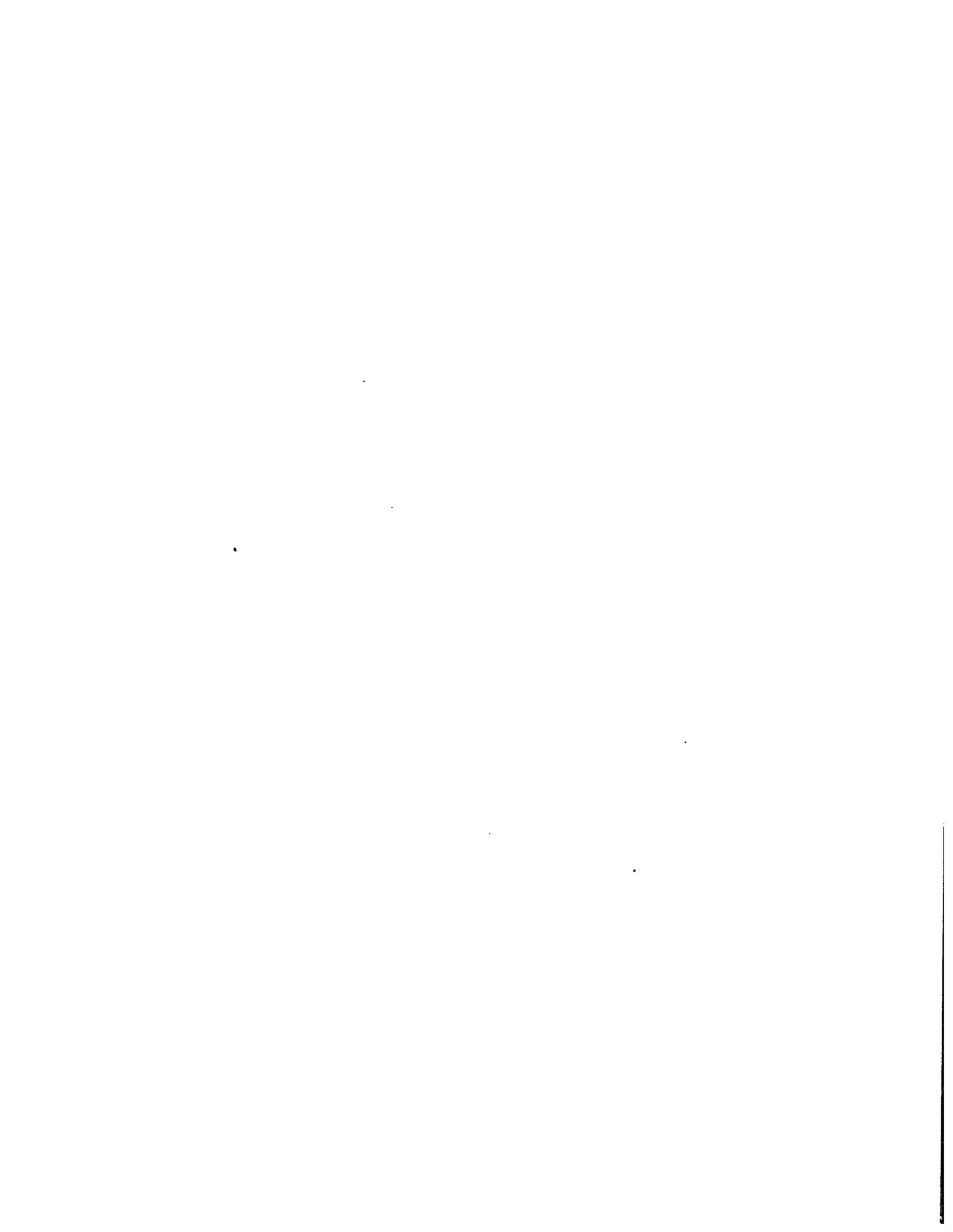
Upon securing your approval, I will then take steps to establish a business entity in the Commonwealth of Virginia for carrying on my

business; construct and post a website; prepare stationary and business cards, and to engage in preliminary discussions with certain trade associations to ascertain potential interest in providing educational services in the initial stages of the business. I will be careful not to include any reference to my EPA position or title in association with this business and its website while I am still employed with EPA.

As noted, I will not actually provide any services until after I retire. I will abide by all laws and regulations applicable to seeking employment and post-employment restrictions, including those related to various "cool-off" periods and not representing anyone in any particular matter in which I had personal and substantial participation during my Federal career. I will not use official time, government property, resources or facilities in connection with my outside employment or activities pursuant to future employment, nor will I engage in my official duties in any particular matter that will have direct and predictable financial effect upon interests that are imputed to me.

As this will be my own business or a business in partnership with another non-Federal person, and the business is yet to establish any leads or prospects for future services, no level of compensation, rate, fee or other form of remuneration is known at this time. I expect that there will be no compensation until after I retire from Federal service.

While the responsibility for all case notices, decisions and settlements of matters before the EPA have been already transferred to the Alternate Debarring Official, in addition I will recuse myself from participating in any particular matter that could potentially serve my post-employment interests or otherwise compromise my objectivity in any matter as a Government official during the course of my transition to civilian life.



## Ruppe, Teresa

**From:** Ruppe, Teresa  
**Sent:** Thursday, May 15, 2014 8:43 AM  
**To:** EXB  
**Cc:** Stahl, Michael; Cherry, Katrina  
**Subject:** RE: request for approval to teach at Vermont Law School

Hi EXB

Mike Stahl has approved your request, and the following is your ethics determination to engage in an outside activity as summer faculty at EXB.

I understand you wish to teach an environmental justice course at EXB during the summer of 2014. Generally, federal employees are precluded from receiving compensation for any teaching, speaking, or writing that relates to official duty. However, there is an exception to the rule if the employee is teaching a course requiring multiple presentations, and the course is offered as part of the regularly established curriculum of an institution of higher education. See 5 CFR 2635.807(a)(3)(i)(A). I determine that your proposed activity does fit within this exception, and am approving your request as consistent with 5 C.F.R. Part 2635, Subpart H. Please note that, because your request is limited to this one course, you will need to seek approval for any other class that you may wish to teach.

As you conduct your course activities for EXB, please keep in mind the basic ethics obligations of federal service, including the following ethics principles:

1) Reference to Official Position: You may not reference your official title and position except as one of several biographical details (written biography, introductions, etc.). The regulations say: "[a]n employee may include or permit the inclusion of his title or position as one of several biographical details when such information is given to identify him in connection with his teaching, speaking or writing, provided that his title or position is given no more prominence than other significant biographical details." See 5 CFR 2635.807(b). How you are identified is important, so name plates, documents, and directory listings may not identify you as an EPA employee unless there is a prominent disclaimer. As necessary, you must advise the School about complying with this request; otherwise you run the risk of permitting them to misuse your official position. Be mindful of speaking about your official duties, since you do not want to give the impression that you are teaching the course in your official capacity. If necessary, you may also want to use a verbal disclaimer that you are teaching in your personal capacity and not a representative of EPA.

2) Representation Back to the US Government. As a federal employee you are generally prohibited by a criminal law from representing (acting as an agent or attorney on behalf of another) another entity back to the federal government (not limited to the EPA) in any matter in which the US is a party or has a direct and substantial interest. See 18 USC 203 and 205. An employee makes a communication or appearance on behalf of another person if the employee is acting as the other person's agent or attorney or if:

- (a) The employee is acting with the consent of the other person, whether express or implied; and
- (b) The employee is acting subject to some degree of control or direction by the other person in relation to the communication or appearance.

For example, you may not represent the EXB School back to EPA or any other federal agency in an attempt to promote or otherwise affect the interests of the School

3) Financial Conflicts of Interest: To avoid the appearance or the loss of impartiality in the performance of your official duties, and as prohibited by criminal statute, you may not work on anything having to do with EXB School. The conflict of interest provision at 18 USC 208, bars employees from participating in any EPA particular matter that has a direct and predictable effect on the employee's or the organization's financial interest. As an employee of the School you have a financial conflict of interest. This means you cannot participate in your EPA duties in any matter that will have a direct and predictable financial effect upon your outside employer. You cannot work on particular matters that involve the School as a specific party (e.g., whether an EPA employee should accept an invitation to speak at EXB School), nor can you work on particular matters of general applicability (e.g., a grant proposal to which all colleges might apply if EXB School is an expected applicant).

4) Misuse of Position: As a federal employee you may not use your official position for private gain, which includes use of EPA resources, equipment, materials, or official time. See 5 CFR 2635.701. For example, you may not commingle your EPA duties, authority and resources with something you are paid to do on your own time. That sort of "blending" is considered a misuse of position.

5) Fundraising: As a federal employee you cannot engage in any fundraising on behalf of a nonfederal entity in the government workplace or use government equipment. See 5 CFR 950.102(a).

6) Reporting Requirements: As long as you hold the position it is reportable on your Public Financial Disclosure Report, SF 278.

As always, thank you for being aware of the potential ethics concerns surrounding your teaching employment and for seeking approval. If you have any questions, please give me a call.

Regards,

Teresa Ruppe  
Assistant Deputy Ethics Official  
564-6619

From EX 6  
Sent: Wednesday, May 07, 2014 2:26 PM  
To: Stahl, Michael  
Cc: Ruppe, Teresa  
Subject: request for approval to teach at EX 6 school

Hi Mike: I am submitting my request for approval to teach at EX 6 this summer.

I am requesting approval to teach an environmental justice course at EX 6 School during the summer 2014, for which I will receive compensation of EX 6. The teaching will be done entirely outside of my normal duty hours and duty station. As always, I will use annual leave to teach the 2-week course. I will not use any EPA property, resources or facilities that are not available to the general public. I am not aware of a situation where any EPA assistance agreements or contracts are held by EX 6 school.

Please let me know if you need additional information. Thanks!!! Best regards EX 6

## Ruppe, Teresa

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**From:** Stahl, Michael  
**Sent:** Tuesday, May 13, 2014 12:03 PM  
**To:** Ruppe, Teresa  
**Subject:** Re: request for approval to teach at *EX 6* School

Teresa -- I have considered *EX 6* request and have no concerns with it. I concur with your review and recommend that we approve it.

Mike

---

**From:** Ruppe, Teresa  
**Sent:** Tuesday, May 13, 2014 3:41:46 PM  
**To:** Stahl, Michael; Cherry, Katrina  
**Subject:** RE: request for approval to teach at *EX 6*

Mike,

*EX 6* has taught this course at *EX 6* school for a number of years and I have no ethics concerns. You'll recall the ethics requirement for outside employment has two parts – supervisor concurrence and ethics approval. To satisfy the ethics requirement I need your concurrence. Would you please confirm that you concur with *EX 6*'s request. Once I have your concurrence I'll prepare his ethics determination. Thanks.

Regards,  
Teresa

**From:** Stahl, Michael  
**Sent:** Wednesday, May 07, 2014 5:17 PM  
**To:** Cherry, Katrina; Ruppe, Teresa  
**Subject:** Fw: request for approval to teach at *EX 6*

Please have Teresa get back to me with her review, ASAP. Thanks.

Mike

---

**From:** *EX 6*  
**Sent:** Wednesday, May 7, 2014 6:26:05 PM  
**To:** Stahl, Michael  
**Cc:** Ruppe, Teresa  
**Subject:** request for approval to teach at *EX 6*

Hi Mike: I am submitting my request for approval to teach at *EX 6* this summer.

I am requesting approval to teach an environmental justice course at *EX 6* School during the summer 2014, for which I will receive compensation of \$ *EX 6*. The teaching will be done entirely outside of my normal duty hours and duty station. As always, I will use annual leave to teach the 2-week course. I will not use any EPA property, resources or facilities that are not available to the general public. I am not aware of a situation where any EPA assistance agreements or contracts are held by *EX 6*.

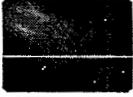
Please let me know if you need additional information. Thanks!!! Best regards, Barry

From: EX 6  
Sent: Tuesday, April 23, 2013 11:15 AM  
To: Stahl, Michael  
Cc: RUPPE, TERESA  
Subject: request for approval to teach at EX 6 School

Hi Mike: I am requesting approval to teach an environmental justice course at EX 6 during the summer 2013, for which I will receive compensation of \$ EX 6. The teaching will be done entirely outside of my normal duty hours and duty station. As always, I will use annual leave to teach the 2-week course. I will not use any EPA property, resources or facilities that are not available to the general public. I am not aware of a situation where any EPA assistance agreement or contracts are held by EX 6.

Please let me know if you need additional information. Thanks!! Best regards. EX 6

EX 6  
Senior Counsel for Environmental Governance  
Office of International and Tribal Affairs  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Ronald Reagan Federal Building  
Mail Code: 2610R  
Washington, D.C. 20460  
(Office) (202) 564-2914  
(Fax) (202) 564-2407



I hate when I procrastinate ...  
Justina Fugh to: FOIA EXC

06/24/2010 06:29 PM

... but I recall promising that I would send you a note to summarize our conversation about outside employment and the 360 degree review consulting. That was a couple of weeks ago, though, so now I'm not sure I've got all of the facts clearly in my head. I'll try, and you let me know, please, if your recollection differs from mine.

You have an interest in and aptitude for executive leadership coaching. In fact, you have provided coaching services to EPA employees as part of your official duties. In addition, you have been approved in the past by the OGC DEO to provide coaching services to outside clients for compensation and for free. To further your career development and interest in executive coaching, you took training in how to provide 360 degree reviews. The Agency gave you an excused absence so that you could take training and also paid for your travel. The fee for the course itself, approximately \$1300, was provided by you. We discussed the fact that, from an appropriations standpoint, the CRFLO lawyers have assured me that the Government Employees Training Act permits employees to pay for some portion of the training expenses, including travel, that they may incur. The training must be approved on a training form by a training officer.

To be certified at various levels, you are required to provide 360 review services to paid and non-paying clients. You wondered about the ethical implications of a number of interesting issues associated with your expertise and need to provide additional coaching opportunities.

1) You need to provide coaching in 360 reviews. Your husband works for EPA, but not in OGC. Can you ask your husband's boss to participate in the 360 review process? There would be no fee associated with this service; rather, you need to gain some experience in applying the instrument and assessing the results. Because the Agency contributed to the training, I think that we can consider the provision of this service to an EPA employee to be part of your official duties. Your PARS agreement includes (as I recall) providing coaching to EPA employees. That this particular employee is your husband's boss initially raised some concerns about a lack of impartiality and misuse of position, but I have determined that they are unwarranted. Both your own supervisor and EX 6, your husband's supervisor, have assured me that they do not feel coerced or even uncomfortable at all with the coaching arrangement in this case. They consider this an opportunity for you to gain expertise while also providing a useful service to Mr. Edwards.

2) You provide coaching services as part of outside activity. At times, this service is provided for compensation (and, indeed, for further certification, you will be required to provide such services for compensation). I was initially worried about the fact that employees cannot be compensated for any outside activity that deals in significant part with their assigned duties. As part of your assigned duties, you provide coaching to EPA employees on an occasion basis. After reflection, I have determined that you may continue to engage in this outside activity of coaching, even for compensation, provided that you do not coach current EPA employees for a fee.

EX 6

I think that was it, but if I've missed something, please let me know!

Justina

Justina Fugh \* Senior Counsel for Ethics \* Office of General Counsel \* US EPA (Mail Code 2311A) \*  
Room 4308 Ariel Rios North \* Washington, DC 20460 \* phone 202-564-1786 / cell 202-731-3631 / fax  
202-564-1772



Attorney (Ethics)  
Deputy Ethics Official (DEO)  
Office of General Counsel  
7439 AR-N  
(202) 564-1784  
*EX 6* C/USEPA/US

*EX 6* /DC/USEPA/US  
10/19/2006 05:13 PM

To Peggy Love/DC/USEPA/US@EPA  
cc  
Subject Fw: Requesting Approval

Hi Peggy,  
Just checking in on my request. Anything else you need from me?

Thanks,  
*EX 6*

----- Forwarded by *EX 6* /DC/USEPA/US on 10/19/2006 05:12 PM -----

*EX 6* /DC/USEPA/US  
10/05/2006 10:52 AM

To Peggy Love/DC/USEPA/US  
cc Jeff Lape/DC/USEPA/US@EPA, love.peggy@epa.gov  
Subject Re: Requesting Approval

Peggy,  
Thanks for your explanation below and talking me through this. Yes, this will work. I've attached a revised copy with your suggested change (and placed lower case letters on the deputy ethics official title in the last section).

*EX 6*



*EX 6* Outside Employment Request 10\_5\_06.doc

Peggy Love/DC/USEPA/US

Peggy Love/DC/USEPA/US  
10/03/2006 06:17 PM

To *EX 6* /DC/USEPA/US@EPA  
cc Jeff Lape/DC/USEPA/US@EPA, love.peggy@epa.gov  
Subject Re: Requesting Approval

Hi, *EX 6*

I don't want to compromise your confidentiality agreement with the client, however, you are not



serving as a deputy ethics official and are not authorized to give ethics advice or make ethics determinations. If a situation should arise, could you tell me the facts without compromising your confidentiality agreement? I would not need to know all of the facts, just enough to know if there is a possible violation. For example, if you were asked to represent a client and that you met at a non-EPA social event and after you started treating the client you learned some disturbing information and thought their could be a conflict. I would not need to know the client's name, just the facts that may pose a conflict. I will be happy to explore this with you if you would like.

Peggy Love  
Attorney (Ethics)  
Deputy Ethics Official (DEO)  
Office of General Counsel  
7439 AR-N  
(202) 564-1784

*EX 6* DC/USEPA/US

*EX 6* DC/USEPA/US  
10/03/2006 03:38 PM

To: Peggy Love/DC/USEPA/US@EPA  
cc: Jeff Lape/DC/USEPA/US@EPA, Peggy Love/DC/USEPA/US@EPA  
Subject: Re: Requesting Approval 

Peggy and Jeff,  
With your suggested change Peggy, it seems as though it would compromise my confidentiality agreement with the client. This was my original reasoning to place the burden on me to raise it with the client and to walk away from a situation if needed.

Perhaps you can help me understand your concern further. Thanks.

*EX 6*

Peggy Love/DC/USEPA/US

Peggy Love/DC/USEPA/US  
09/19/2006 10.56 PM

To: *EX 6* /DC/USEPA/US@EPA  
cc: Jeff Lape/DC/USEPA/US@EPA, Peggy Love/DC/USEPA/US@EPA  
Subject: Re: Requesting Approval 

I made one change in item #9 in blue. If you want to get me a final, I will approve it.



*EX 6* - Outside Employment Request rev rtf

Peggy Love



Attorney (Ethics)  
Deputy Ethics Official (DEO)  
Office of General Counsel  
7439 AR-N  
(202) 564-1784

EX 6 )C/USEPA/US

EX 6 )C/USEPA/US

09/15/2006 07:49 AM

To Jeff Lape/DC/USEPA/US@EPA

cc Peggy Love/DC/USEPA/US@EPA

Subject Re: Requesting Approval

Jeff and Peggy,

I am fine with the change Jeff suggests below. Attached is the revised document.

EX 6



Request.rev.doc

Jeff Lape/DC/USEPA/US

Jeff Lape/DC/USEPA/US

09/15/2006 05:27 AM

To EX 6 )C/USEPA/US@EPA

cc

Subject Re: Requesting Approval

EX 6

I am ok with this to be forwarded to the Deputy Ethics Official, pending one suggested change to the last sentence. If you are ok with this, pls revise and forward:

Further, I understand if I am transferred to another part of the organization or there is a change in the nature or scope of the duties or services performed, I would need to obtain *approval from the applicable manager and the Deputy Ethics Official.*

Thanks  
Jeff

Jeff Lape  
Director, Conflict Prevention and Resolution Center  
Office of General Counsel, Room 6402 Ariel Rios North  
U. S. Environmental Protection Agency (MC-2388A)  
1200 Pennsylvania Avenue, NW  
Washington DC 20460  
(202) 564-6055 Fax (202) 501-1715





## Approval - Outside Activity Request

Teresa Kuppe  
Michael Stahl, Karin Koslow

03/29/2012 06:10 PM

Hi <sup>EX 6</sup> this follows up our previous conversation and your discussion with OGC Ethics:

I have received your request to engage in outside activity for compensation as an adjunct lecturer at <sup>EX 6</sup> [redacted]. I understand you wish to teach a graduate level course entitled Public Sector Labor Relations at [redacted] School of Public and Environmental Affairs. Based on the information you have provided and in consultation with OGC Ethics, I am approving your request as consistent with 5 C.F.R. Part 2635, Subpart H. This approval is valid for five years; however, should there be a change in the nature or scope of your duties you will need to seek a new approval.

As you conduct your course activities for <sup>EX 6</sup> please keep in mind the basic ethical obligations of federal service, including the following ethics principles:

1) **Reference to Official Position:** You may not reference your official title and position except as one of several biographical details (written biography, introductions, etc.). The regulations say: "[a]n employee may include or permit the inclusion of his title or position as one of several biographical details when such information is given to identify him in connection with his teaching, speaking or writing, provided that his title or position is given no more prominence than other significant biographical details." See 5 CFR 2635.807(b). How you are identified is important, so name plates, documents, and directory listings may not identify you as an EPA employee unless there is a prominent disclaimer. As necessary, you must advise the University about complying with this request; otherwise you run the risk of permitting them to misuse your official position. Be mindful of speaking about your official duties, since you do not want to give the impression that you are teaching the course in your official capacity. If necessary, you may also want to use a verbal disclaimer that you are teaching in your personal capacity and not a representative of EPA.

2) **Representation Back to the US Government:** As a federal employee you are generally prohibited by a criminal law from representing (acting as an agent or attorney on behalf of another) another entity back to the federal government in any matter in which the US is a party or has a direct and substantial interest. See 18 USC 203 and 205. An employee makes a communication or appearance on behalf of another person if the employee is acting as the other person's agent or attorney or if:

(a) The employee is acting with the consent of the other person, whether express or implied; and

(b) The employee is acting subject to some degree of control or direction by the other person in relation to the communication or appearance.

3) **Financial Conflicts of Interest:** To avoid the appearance or the loss of impartiality in the performance of your official duties, and as prohibited by criminal statute, you may not work on anything having to do with <sup>EX 6</sup> [redacted]. The conflict of interest provision at 18 USC 208, bars employees from participating in any EPA particular matter that has a direct and predictable effect on the employee's or the organization's financial interest. As an employee of <sup>EX 6</sup> you have a financial conflict of interest. This means you cannot participate in your EPA duties in any matter that will have a direct and predictable financial effect upon your outside employer. You cannot work on particular matters that involve <sup>EX 6</sup> [redacted] as a specific party (e.g., whether an EPA employee should accept an invitation to speak at <sup>EX 6</sup> [redacted], nor can you work on particular matters of general applicability (e.g., a grant proposal to which all colleges might apply if <sup>EX 6</sup> [redacted] is an expected applicant).

4) **Misuse of Position:** As a federal employee you may not use your official position for private gain, which includes use of EPA resources, equipment, materials, or official time. See 5 CFR 2635.701. For example, you may not commingle your EPA duties, authority and resources with something you are paid



to do on your own time. That sort of "blending" is considered a misuse of position.

5) Fundraising: As a federal employee you cannot engage in any fundraising on behalf of a nonfederal entity in the government workplace or use government equipment. See 5 CFR 950.102(a).

6) Reporting Requirements: As long as you hold the position it is reportable under Parts I and III of your annual Confidential Financial Disclosure Report, OGE Form 450. Also, any travel expenses that exceed \$350, paid by an outside source, are reportable. For example, trips paid for by ~~EX b~~ exceeding \$350, would be reported under Part V of your 450.

Thank you for being aware of the potential ethics concerns surrounding your teaching employment and for seeking approval. If you have any questions, please give me a call.

Regards,

Teresa Ruppe  
Assistant Deputy Ethics Official  
564-6619

----- Forwarded by Teresa Ruppe/DC/USEPA/US on 03/29/2012 05:13 PM -----

From: ~~EX b~~ /DC/USEPA/US  
To: Teresa Ruppe/DC/USEPA/US@EPA  
Cc: Luke Jones/DC/USEPA/US@EPA  
Date: 02/17/2012 06:44 AM  
Subject: Re: Outside Activity Request

1) The dollar amount is a flat rate for my services. I do not receive any travel or lodging expenses.

2) I did receive labor relations experience while working at EPA Region 5. My position there was as a first line supervisor and I had occasion to interact with the AFGE union. I was the subject of a grievance and had several meetings with subordinates where the employee union was represented. Note that I am not currently, and have not been for almost 2 years, in a position associated with union interactions. However, my specific EPA work experience is merely incidental to my qualifications to teach a generalized course on public sector labor relations. My qualifications to teach the class are based solely on my academic preparation outside of my current or previous official EPA duties. Finally, in keeping with 18 U.S.C. § 203 and § 205, I will not represent ~~EX b~~ on a matter before any federal agency - including EPA - "on a matter in which the United States is a party or has a substantial interest." I will not contact any EPA employee in my capacity as a teacher at ~~EX b~~

~~EX b~~ Sr. Policy Advisor  
American Indian Environmental Office (MC 2690-M)  
US Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
202.564.4013 = desk  
202.407.6239 = mobile

Teresa Ruppe---02/01/2012 10:05:40 AM---Hi ~~EX b~~ I received your request to





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

**COPY**

NOV 6 2012

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

**MEMORANDUM**

**SUBJECT:** Approval of Outside Employment

**FROM:** Steven Bradbury, Deputy Ethics Official  
Office of Pesticide Programs

**TO:** *EX 6*, Ph.D., Senior Chemist  
Environmental Risk Branch, EFED (7507P)

This will confirm my approval of your request to engage in part time volunteer outside employment on the Executive Committee of the *EX 6* under the conditions outlined in your memorandum dated September 20, 2012. From the information you have provided, I do not expect your employment will involve conduct prohibited by 5 CFR Part 2635 and §6401.102.

This approval allows you to participate in the requested employment for the next five years. However, you are required to update your request if there is a change in the nature or scope of duties or services performed. Also, if you transfer from the Office of Pesticide Programs to an organization that has a different Deputy Ethics Official, you must submit a new request for approval. (5 CFR §6401.103(d))

I wish you well in your endeavor. If you have any questions, please contact me or my ethics assistant, Debby Sisco.

cc: Mah Shamim, Chief, ERB V, EFED

*No outside employment reported in 2013*



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
CHEMICAL SAFETY AND POLLUTION PREVENTION

Date: 09/20/2012

MEMORANDUM

**SUBJECT:** Request for Approval of Outside Employment

**FROM:** EX 6 \_\_\_\_\_, Senior Chemist EX 6 9/20/12  
Environmental Risk Branch V  
Environmental Fate and Effects Division (7507P)

**TO:** Steven Bradbury, Deputy Ethics Official  
Office of Pesticide Programs (7501P)

**THRU:** Mah T. Shamim, Ph.D., Chief M. Shamim 10/3/12  
Environmental Risk Branch V  
Environmental Fate and Effects Division (7507P)

**CC:** Debby Sisco, Ethics Officer and Special Assistant to the Director  
Office of Pesticide Programs (7501P)

I am requesting approval to engage in outside volunteer employment on a part-time basis in accordance with 5 C.F.R. § 6401.103.

The outside employment would be a non-paid position for a 3-year term on the Executive Committee of the EX 6 \_\_\_\_\_. Attached is a description of the employment activities as required by 5 C.F.R. § 6401.103. I believe no conflict of interest would be involved in performing these activities. In connection with this employment, I will not use EPA equipment, facilities, resources, or my time during official working hours. I also will not use information obtained as a result of my EPA position that is not freely available to the general public. In this employment, I will not represent parties before any Federal Agencies and I will refrain from taking any action implying official or unofficial EPA endorsement of any advice or opinions which I may give. I have read and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

Attachment

cc: Debby Sisco (7501P)

Description of Proposed Outside Activity

Name: EX 6

Title: Chemist

Grade: GS-14

Nature of Activity: Member of the Executive Committee of the EX 6 Division. Duties include serving as a member of the senior management team responsible for leadership of EX 6 Division activities assuring the overall growth and financial health of the Division. The Executive Committee is authorized to manage the affairs of the Division, including determination of policy and coordination of the operation of committees.

Name of Employer: EX 6, Washington, DC.

Compensation Received: None.

Time Involved: Approximately 5 hours per week (average), all of which will be performed outside of normal duty hours.

Grants or Contracts Involved: EX 6 Division is currently is not receiving any EPA grants and holds no contracts with EPA.

Contact Information:

EX 6  
Senior Chemist  
Office of Pesticide Programs  
Environmental Fate & Effects Division (Mail Code 7507P)  
U.S. EPA  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Phone: 1-703-305-6391

Email: EX 6

Telefax: (703)308-6181





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460



MAR 25 2011

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

**MEMORANDUM**

**SUBJECT:** Approval of Outside Employment

**FROM:** Steven Bradbury, Deputy Ethics Official  
Office of Pesticide Programs

**TO:** EX 6  
Antimicrobials Division

This will confirm my approval of your request to engage in part time outside employment with the EX 6 in EX 6, under the conditions outlined in your memorandum dated March 24, 2011. From the information you have provided, I do not expect your employment will involve conduct prohibited by 5 CFR Part 2635 and §6401.102.

This approval allows you to participate in the requested activity for the next five years. However, you are required to update your request if there is a change in the nature or scope of duties or services performed. Also, if you transfer from the Office of Pesticide Programs to an organization that has a different Deputy Ethics Official, you must submit a new request for approval. (5 CFR §6401.103(d))

I wish you well in your endeavor. If you have any questions, please contact me or my ethics assistant, Debby Sisco.

March 24, 2011

**MEMORANDUM**

**SUBJECT:** Request for Approval of Outside Employment

**FROM:** *EXB*  
Antimicrobials Division *EXB*

**TO:** Steven Bradbury, Deputy Ethics Official  
Office of Pesticide Programs (7501P)

**THRU:** Emily Mitchell *EMM*

I am requesting approval to engage in outside employment on a part-time basis in accordance with 5 C.F.R. § 6401.103.

The outside employment would be a teaching position as adjunct assistant professor at *EXB*. Attached is a description of the employment activities as required by 5 C.F.R. § 6401.103. I believe no conflict of interest would be involved in performing these activities. In connection with this employment, I will not use EPA equipment, facilities, resources, or my time during official working hours. I also will not use information obtained as a result of my EPA position that is not freely available to the general public. In this employment, I will not represent parties before any Federal Agencies and I will refrain from taking any action implying official or unofficial EPA endorsement of any advice or opinions which I may give. I have read and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

Attachment

cc: Debby Sisco (7501P)

Description of Proposed Outside Activity

Name: EX 6

Title: Microbiologist/Efficacy Evaluation Team Leader

Grade: GS-14

Nature of Activity: A part-time teaching position at EX 6 as an adjunct assistant professor. I will teach the following courses in the field of biology.

- 1) Introduction to Microbiology

Name of Employer: EX 6

Compensation Received: Approximately EX 6 per semester.

Time Involved: Approximately 6 hours the one course, all of which will be performed outside of normal duty hours.

Grants or Contacts Involved: The employer is currently not receiving any EPA grants and holds no contracts with EPA.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

DEC 1 2011

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

**MEMORANDUM**

**SUBJECT:** Approval of Outside Employment

**FROM:** Steven Bradbury, Deputy Ethics Official  
Office of Pesticide Programs 

**TO:** *EX 6*  
Biopesticides and Pollution Prevention Division  
Microbial Pesticides Branch (7511 P)

This will confirm my approval of your request to engage in the writing and publication of original research conducted primarily prior to your employment with EPA, under the conditions outlined in your memorandum dated December 1, 2011. From the information you have provided, I do not expect your employment will involve conduct prohibited by 5 CFR Part 2635 and §6401.102.

This approval allows you to participate in the requested employment for the next five years. However, you are required to update your request if there is a change in the nature or scope of duties or services performed. Also, if you transfer from the Office of Pesticide Programs to an organization that has a different Deputy Ethics Official, you must submit a new request for approval. (5 CFR §6401.103(d))

I wish you well in your endeavor. If you have any questions, please contact me or my ethics assistant, Debby Sisco.

cc: Sheryl Reilly, Branch Chief

**MEMORANDUM**

**SUBJECT:** Request for Approval of Outside Activity

**DATE:** 12/1/11

**FROM:** Ex 6 Ex 6 12/1/11  
Biopesticides and Pollution Prevention Division  
Microbial Pesticides Branch (7511P)

**TO:** Steven Bradbury, Deputy Ethics Official  
Office of Pesticide Programs (7501P)

**THRU:** Sheryl Reilly, Branch Chief *Sheryl Reilly*  
Biopesticides and Pollution Prevention Division  
Microbial Pesticides Branch (7511P)

I am requesting approval to engage in an outside activity in accordance with 5 C.F.R. § 6401.103.

The outside activity would be submitting a manuscript of original research for publication in a scientific journal. Attached is a description of the activities as required by 5 C.F.R. § 6401.103. I believe no conflict of interest would be involved in performing these activities. In connection with this activity, I will not use EPA equipment, facilities, resources, or my time during official working hours. I also will not use information obtained as a result of my EPA position that is not freely available to the general public. In this activity, I will not represent parties before any Federal Agencies and I will refrain from taking any action implying official or unofficial EPA endorsement of any advice or opinions which I may give. I have read and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

Attachment

cc: Debby Sisco (7501P)

### Description of Proposed Outside Activity

Name: EX 6

Title: Biologist

Grade: GS-13

Nature of Activity: Writing and submitting for publication (and eventually publishing) a manuscript of original research. The research was performed as part of graduate work that was done prior to employment at the EPA, and the majority of the writing was done at that time. My affiliation listed in the paper will be with the University of Maryland, and EPA will be identified as my present address. The title of the paper is "The Influence of Study Species Selection on Estimates of Pesticide Exposure in Free-Ranging Birds." Coauthors include Dr. Nimish Vyas (USGS) and Dr. Mary Christman (MCC Statistical Consulting), and we intend to submit the manuscript to the journal, *Ecological Indicators*. The focus of the paper is how study species selection can influence the results of contaminant field studies due to differences in exposure among species, and final recommendations from the results encourage multiple-species approaches to study design. The paper will include the following disclaimer: "The views expressed in this article are those of the authors and do not necessarily represent the policies or positions of the Environmental Protection Agency or the United States."

Compensation Received: No compensation will be received.

Time Involved: Dependent on extent of comments by reviewers and acceptance by journal; estimate 20 hours or less. All activities will be performed entirely outside of normal duty hours.

Grants or Contacts Involved: The project was funded by Patuxent Wildlife Research Center with funds received through an Interagency Agreement (DW14937610-01-0) between EPA and the U.S. Dept. of Interior National Biological Survey.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, DC 20460

SEP 3 2008

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES (OPPTS)

**MEMORANDUM**

**SUBJECT:** Approval of Outside Employment

**FROM:** Debra Edwards, Deputy Ethics Official  
Office of Pesticide Programs

**TO:** *EX 6* Statistician Trainee  
Health Effects Division

A handwritten signature in black ink, appearing to read "Debra Edwards".

This will confirm my approval of your request to engage in part time outside employment with the *EX 6* Graduate Research Mentorship Program at the *EX 6* under the conditions outlined in your memorandum dated September 3, 2008. From the information you have provided, I do not expect your employment will involve conduct prohibited by 5 CFR Part 2635 and §6401.102.

This approval allows you to participate in the requested employment for the next five years. However, you are required to update your request if there is a change in the nature or scope of duties or services performed. Also, if you transfer from the Office of Pesticide Programs to an organization that has a different Deputy Ethics Official, you must submit a new request for approval. (5 CFR §6401.103(d))

I wish you well in your work at *EX 6*. If you have any questions, please contact me or my ethics assistant, Debby Sisco.

**MEMORANDUM**

**SUBJECT:** Request for Approval of Outside  
Employment

**DATE:** Sept 3, 2008

**FROM:** ex b  
Health Effects Division / Chemistry and Exposure Branch

**TO:** Debbie Edwards, Deputy Ethics Official  
Office of Pesticide Programs (7501P)

**THRU:** David J. Miller

I am requesting approval to engage in outside employment on a part-time basis in accordance with 5 C.F.R. § 6401.103.

I am requesting approval to participate in the ex b Graduate Research Mentorship Program (for which I would receive a fellowship). Attached is a description of the employment activities as required by 5 C.F.R. § 6401.103. I believe no conflict of interest would be involved in performing these activities. In connection with this employment, I will not use EPA equipment, facilities, resources, or my time during official working hours. I also will not use information obtained as a result of my EPA position that is not freely available to the general public. In this employment, I will not represent parties before any Federal Agencies and I will refrain from taking any action implying official or unofficial EPA endorsement of any advice or opinions which I may give. I have read and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

Attachment

cc: Debby Sisco (7501P)

Description of Proposed Outside Activity

Name: EX b

Title: Statistician Trainee

Grade: GS-7

Nature of Activity: A program that includes a fellowship that covers fees (tuition) and provides a stipend for the 2008-9 academic year. This program "assists doctoral students in acquiring and developing sophisticated research skills under faculty mentorship." Additional details are available on the accompanying PDF.

Name of Employer: EX b

Contact: EX b

Compensation Received: \$ EX b stipend and cost of fees (essentially the equivalent of tuition in EX b schools for in-state students). The expected 2008-9 fees at EX b, total

Time Involved: A commitment to work on research and take relevant coursework as a full-time student. I will be working a single day a week during fall quarter (late Sept through Dec) and no days during winter and spring quarters, so I do not expect this to conflict with my EPA work since the hours for this program are flexible.

Grants or Contracts Involved: Although I am fairly certain EPA has grants and/or contracts with EX b since it is such a large university, I am not aware of the specific grants or contracts.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, DC 20460

AUG 28 2008

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES (OPPTS)

**MEMORANDUM**

**SUBJECT:** Approval of Outside Employment

**FROM:** Debra Edwards, Deputy Ethics Official  
Office of Pesticide Programs

A handwritten signature in black ink, appearing to read "Debra Edwards".

**TO:** EX 6, Statistician Trainee  
Health Effects Division

This will confirm my approval of your request to engage in part time outside employment with EX 6 of EX 6 under the conditions outlined in your email dated August 27, 2008. From the information you have provided, I do not expect your employment will involve conduct prohibited by 5 CFR Part 2635 and §6401.102.

This approval allows you to participate in the requested employment for the next five years. However, you are required to update your request if there is a change in the nature or scope of duties or services performed. Also, if you transfer from the Office of Pesticide Programs to an organization that has a different Deputy Ethics Official, you must submit a new request for approval. (5 CFR §6401.103(d))

I wish you well in your endeavor. If you have any questions, please contact me or my ethics assistant, Debby Sisco.

cc: David J. Miller, HED

*EX 6*  
...USEPA/US  
08/27/2008 10:19 AM

To Debby Sisco/DC/USEPA/US@EPA  
cc DavidJ Miller/DC/USEPA/US@EPA  
bcc  
Subject part-time consulting work 

Hi Debby,

I am looking to do some consulting with *EX 6* a company that focuses on concerts and concert promotion. I've attached the necessary documents. If you need any additional information, please let me know.

I also have been offered a Fellowship for this academic year through *EX 6*. I am guessing EPA will also need some documentation filed for this -- if it would not, please let me know.

Thanks,

213-244-1818



live nation consulting request.doc

DavidJ Miller/DC/USEPA/US



DavidJ  
Miller/DC/USEPA/US  
08/26/2008 03:25 PM

To *EX 6* .../USEPA/US@EPA  
cc  
Subject Re: part-time consulting work 

*EX 6*

Thanks for checking with me. It is fine with me, but should --as you state -- be outside your regular EPA hours. You will need, as you know, to submit this request to Debby Sisco for formal approval (and feel free to forward this response to her) with your paperwork. Although this is entirely Debby's call, I don't see the potential for much of a conflict for this proposed work with anything you are doing for us.

david.

---

David J. Miller, Chief  
Chemistry & Exposure Branch  
Health Effects Division  
Office of Pesticide Programs  
703-305-5352 (voice)  
703-305-5147 (fax)

visit: <http://www.epa.gov/pesticides/>

**MEMORANDUM**

**SUBJECT:** Request for Approval of Outside  
Employment

**DATE:** Aug 26, 2008

**FROM:** EX b  
Health Effects Division / Chemistry and Exposure Branch

**TO:** Debbie Edwards, Deputy Ethics Official  
Office of Pesticide Programs (7501P)

**THRU:** David J. Miller

I am requesting approval to engage in outside employment on a part-time basis in accordance with 5 C.F.R. § 6401.103.

I am requesting approval to consult for EX b. Attached is a description of the employment activities as required by 5 C.F.R. § 6401.103. I believe no conflict of interest would be involved in performing these activities. In connection with this employment, I will not use EPA equipment, facilities, resources, or my time during official working hours. I also will not use information obtained as a result of my EPA position that is not freely available to the general public. In this employment, I will not represent parties before any Federal Agencies and I will refrain from taking any action implying official or unofficial EPA endorsement of any advice or opinions which I may give. I have read and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

Attachment

cc: Debby Sisco (7501P)

Description of Proposed Outside Activity

Name: EX 6 :

Title: Statistician Trainee

Grade: GS-7

Nature of Activity: A part-time consulting position for EX 6, which is a company that focuses on concerts and concert promotion. My work will focus on establishing a method to estimate the number of tickets that could be sold each concert. This project is being managed by Professor EX 6 and has been an ongoing project that EX 6 graduate students have worked on over the last several months.

Name of Employer: EX 6

Contact: EX 6

Further information: EX 6

Compensation Received: Approximately \$ EX 6 per hour. Free concert tickets have been offered to EX 6 consultants in the past. (I don't expect to take advantage of this more than once every month or two, if ever.)

Time Involved: Approximately 10 hours per week in September, and then approximately 5 hours per week thereafter until the completion of the project, which is expected to be over several months.

Grants or Contracts Involved: I am not aware of any grants or contracts between EPA and





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAR 8 2012



OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

**MEMORANDUM**

**SUBJECT:** Approval of Outside Employment

**FROM:** Steven Bradbury, Deputy Ethics Official  
Office of Pesticide Programs 

**TO:** EX 6  
Health Effects Division (7509P)  
Risk Assessment Branch 1

This will confirm my approval of your request to engage in part time outside employment with the EX 6 in EX 6 School of Public Health, under the conditions outlined in your memorandum dated January 9, 2012. From the information you have provided, I do not expect your employment will involve conduct prohibited by 5 CFR Part 2635 and §6401.102.

This approval allows you to participate in the requested activity for the next five years. However, you are required to update your request if there is a change in the nature or scope of duties or services performed. Also, if you transfer from the Office of Pesticide Programs to an organization that has a different Deputy Ethics Official, you must submit a new request for approval. (5 CFR §6401.103(d))

I wish you well in your endeavor. If you have any questions, please contact me or my ethics assistant, Debby Sisco.

cc: Dana Vogel, Branch Chief

**MEMORANDUM**

**SUBJECT:** Request for Approval of Outside Employment

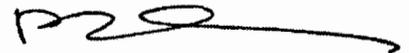
**DATE:** January 09, 2012

**FROM:** EX 6  
Health Effects Division/ Risk Assessment Branch 1

EX 6

**TO:** Steven Bradbury, Deputy Ethics Official  
Office of Pesticide Programs (7501P)

**THRU:** Dana Vogel, Branch Chief, Risk Assessment Branch 1  
(Immediate Supervisor)



I am requesting approval to engage in outside employment on a part-time basis in accordance with 5 C.F.R. § 6401.103.

The outside employment would be a teaching position as adjunct assistant professor at EX 6 school of Public Health. Attached is a description of the employment activities as required by 5 C.F.R. § 6401.103. I believe no conflict of interest would be involved in performing these activities. In connection with this employment, I will not use EPA equipment, facilities, resources, or my time during official working hours. I also will not use information obtained as a result of my EPA position that is not freely available to the general public. In this employment, I will not represent parties before any Federal Agencies and I will refrain from taking any action implying official or unofficial EPA endorsement of any advice or opinions which I may give. I have read and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

Sincerely

EX 6

Attachment

cc: Debby Sisco (7501P)

Description of Proposed Outside Activity

Name: EX 6

Title: Biologist

Nature of Activity: A part-time research position as a Collaborating Researcher in the

EXEMPTION 6  
I will conduct the following research:

- 1) Taxonomy and Systematics of plant species.
- 2) Floristics of North American plant communities.
- 3) Writing and publishing scientific research articles and books.

Name of Employer: EXEMPTION 6

Compensation Received: Uncompensated for time, research, publications and materials.

Time Involved: Approximately 24 hours per quarter, all of which will be performed outside of normal duty hours.

Grants or Contacts Involved: To my knowledge, the employer currently is not receiving any EPA grants and holds no contracts with EPA

**MEMORANDUM**

**SUBJECT:** Request for Approval of Outside Employment

**DATE:** 5/19/2011

**FROM:** EX 6 Biologist  
EFED/BR III

EXEMPTION 6

5/19/2011

**TO:** Steven Bradbury, Deputy Ethics Officer  
Office of Pesticide Programs (7501P)

**THRU:** Dana S. Spatz, Branch Chief  
Environmental Risk Branch III  
Environmental Fate & Effects Division  
Office of Pesticide Programs

Dana S. Spatz

5/23/2011

I am requesting approval to engage in outside employment on a part-time basis in accordance with 5 C.F.R. § 6401.103.

The outside employment would be a research position as a Collaborating Researcher in the EXEMPTION 6

Attached is a description of the employment activities as required by 5 C.F.R. § 6401.103. I believe no conflict of interest would be involved in performing these activities. In connection with this employment, I will not use EPA equipment, facilities, resources, or my time during official working hours. I also will not use information obtained as a result of my EPA position that is not freely available to the general public. In this employment, I will not represent parties before any Federal Agencies and I will refrain from taking any action implying official or unofficial EPA endorsement of any advice or opinions which I may give. I have read and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

Attachment

cc: Debby Sisco (7501P)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

COPY

APR 22 2011

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

MEMORANDUM

SUBJECT: Approval of Outside Employment

FROM: Steven Bradbury, Deputy Ethics Official  
Office of Pesticide Programs 

TO: EX 6, Biologist  
EFED, BR III

This will confirm my approval of your request to engage in part time outside employment, including writing and publishing as adjunct curator at the EX 6 EXEMPTION 6, under the conditions outlined in your memorandum dated April 19, 2011. From the information you have provided, I do not expect your employment will involve conduct prohibited by 5 CFR Part 2635 and §6401.102.

This approval allows you to participate in the requested activity for the next five years. However, you are required to update your request if there is a change in the nature or scope of duties or services performed. Also, if you transfer from the Office of Pesticide Programs to an organization that has a different Deputy Ethics Official, you must submit a new request for approval. (5 CFR §6401.103(d))

I wish you well in your endeavor. If you have any questions, please contact me or my ethics assistant, Debby Sisco.

cc: Dana Spatz

Description of Proposed Outside Activity

Name: EX 6

Title: Biologist

Nature of Activity: A part-time research position as adjunct curator at the EX 6  
EX 6; I will conduct the following research:

- 1) Taxonomy and Systematics of plant species.
- 2) Floristics of North American plant communities.
- 3) Writing and publishing scientific research articles and books.

Name of Employer: EX 6 EX 6

Compensation Received: Uncompensated for time, research, publications and materials.

Time Involved: Approximately 24 hours per quarter, all of which will be performed outside of normal duty hours.

Grants or Contacts Involved: To my knowledge, the employer currently is not receiving any EPA grants and holds no contracts with EPA

**MEMORANDUM**

**SUBJECT:** Request for Approval of Outside  
Employment

**DATE:** 4/19/2011

**FROM:** ~~Ex 6~~ Biologist, ~~EFED/BR III~~ Ex 6

**TO:** Steven Bradbury, Deputy Ethics Official  
Office of Pesticide Programs (7501P)

**THRU:** Dana S. Spatz, Branch Chief  
Environmental Risk Branch III  
Environmental Fate & Effects Division  
Office of Pesticide Programs

I am requesting approval to engage in outside employment on a part-time basis in accordance with 5 C.F.R. § 6401.103.

The outside employment would be a research position as adjunct curator at the ~~EXEMPTED~~ ~~EXEMPTED~~. Attached is a description of the employment activities as required by 5 C.F.R. § 6401.103. I believe no conflict of interest would be involved in performing these activities. In connection with this employment, I will not use EPA equipment, facilities, resources, or my time during official working hours. I also will not use information obtained as a result of my EPA position that is not freely available to the general public. In this employment, I will not represent parties before any Federal Agencies and I will refrain from taking any action implying official or unofficial EPA endorsement of any advice or opinions which I may give. I have read and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

Attachment

cc: Debby Sisco (7501P)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

COPY

JUN 21 2011

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

**MEMORANDUM**

**SUBJECT:** Approval of Outside Employment

**FROM:** Steven Bradbury, Deputy Ethics Official  
Office of Pesticide Programs

**TO:** EX 6  
EFED, BR III

This will confirm my approval of your request to engage in part time outside employment for under two separate arrangements, (1) writing and publishing as adjunct curator at the EXEMPTION 6 under the conditions outlined in your memorandum dated April 19, 2011, and (2) as a collaborating researcher in the EXEMPTION 6 in Washington, DC, under the conditions outlined in your memorandum dated May 19, 2011. From the information you have provided, I do not expect your employment will involve conduct prohibited by 5 CFR Part 2635 and §6401.102.

This approval allows you to participate in both of the requested activities for the next five years. However, you are required to update your request if there is a change in the nature or scope of duties or services performed. Also, if you transfer from the Office of Pesticide Programs to an organization that has a different Deputy Ethics Official, you must submit a new request for approval. (5 CFR §6401.103(d))

I wish you well in your endeavor. If you have any questions, please contact me or my ethics assistant, Debby Sisco.

cc: Dana Spatz



Description of Proposed Outside Activity

Name: EX 6

Title: Pharmacologist

Grade: GS-13

Nature of Activity: A teaching position at the EX 6 school of Public Health as an adjunct assistant professor. I will help teach the following course in the field of environmental sciences department:

- 1) Principles of Toxicology, EHT 530

Name of Employer: EX 6

This is primarily a voluntary position, but there may be compensation for travel expenses other incidentals.

Time Involved: Approximately 2 hours for each lecture 2-4 times a year, all of which will be performed outside of normal duty hours.

Grants or Contacts Involved: The EX 6 School of Public Health currently is not receiving any EPA grants and holds no contracts with EPA.

4. Will the service will be performed entirely outside of normal duty hours?

The service will be performed entirely outside of normal duty hours.

5. Basis for compensation

Contract. Compensation involves salary per semester, paid biweekly.

6. EPA assistance agreements or contracts held by a person to or for whom services will be provided

No person to or for whom services will be provided has an EPA assistance agreement or contract. The organization has no relationship to EPA.

I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2636 (Subpart H on "Outside Activities) and Section 6401.102 (EPA's supplemental Regulations). I understand and agree to abide by the ethical requirements applicable to federal employees. I also understand that I may not use my EPA title in conducting these activities, except as general biographical information. I also may not utilize information obtained from my work with EPA that is not generally available to the public.

If additional information is needed, I may be reached at (703) 603-8831.

By my signature, I certify that this information is true and correct.

Exemption to  
Signature [Signature] Date 5/17/12

APPROVED X DISAPPROVED     

[Signature] Date 6/12/12  
James E. Woolford, Director, OSRTI  
Deputy Ethics Official



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON D.C., 20460

OFFICE OF  
CHEMICAL SAFETY AND  
POLLUTION PREVENTION

MEMORANDUM

**SUBJECT:** Request for Approval of Outside Activity      **DATE:** September 13, 2012  
Publishing Journal Article

**FROM:** *GA 6* Ph.D., Biologist  
Environmental Risk Branch IV  
Environmental Fate and Effects Division (7507P)  
Office of Pesticide Programs

*Exemption 6*  
*9/13/2012*

**TO:** Steven Bradbury, Deputy Ethics Official  
Office of Pesticide Programs (7501P)

**THRU:** Marietta Echeverria, Branch Chief  
Environmental Risk Branch IV  
Environmental Fate and Effects Division (7507P)

*M. E*      *9/20/12*

I am requesting approval to engage in publishing three journal articles. In accordance with 41 C.F.R. § 2635.807, I would not receive any compensation for writing the articles.

The topics of the articles involve research I completed for my dissertation while at *Exemption 6* State University and work completed in the same laboratory after I left State University but that built on work I completed. A description of the outside activity is attached.

I believe no conflict of interest would be involved in performing these activities. In connection with this activity, I will not use EPA equipment, facilities, resources, or my time during official working hours. I also will not use information obtained as a result of my EPA position that is not freely available to the general public. In the articles, I will not represent parties before any Federal Agencies and I will refrain from taking any action implying official or unofficial EPA endorsement of any advice or opinions which I may give. I have read and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

Attachment

cc: Debby Sisco (7501P)

4. Will the service will be performed entirely outside of normal duty hours?

The service will be performed entirely outside of normal duty hours.

5. Basis for compensation

Contract. Compensation involves salary per semester, paid biweekly.

6. EPA assistance agreements or contracts held by a person to or for whom services will be provided

No person to or for whom services will be provided has an EPA assistance agreement or contract. The organization has no relationship to EPA.

I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2636 (Subpart H on "Outside Activities) and Section 6401.102 (EPA's supplemental Regulations). I understand and agree to abide by the ethical requirements applicable to federal employees. I also understand that I may not use my EPA title in conducting these activities, except as general biographical information. I also may not utilize information obtained from my work with EPA that is not generally available to the public.

If additional information is needed, I may be reached at (703) 603-8831.

By my signature, I certify that this information is true and correct.

Exemption to \_\_\_\_\_  
Signature \_\_\_\_\_ Date 5/17/12

APPROVED  DISAPPROVED \_\_\_\_\_

James E. Woolford, Director, OSRTI \_\_\_\_\_ Date 6/12/12  
Deputy Ethics Official



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.

Office of Solid Waste and Emergency  
Response

**MEMORANDUM**

**SUBJECT:** Request for Approval for Outside Employment

**TO:** James E. Woolford  
Deputy Ethics Official  
Office of Superfund Remediation and Technology Innovation

**FROM:** *Exemption 6*  
Environmental Scientist, GS-14

I request approval of the proposed outside employment described below. The following addresses the information required to be submitted for consideration for outside employment.

1. Nature of the outside activity

The work involves teaching chemistry courses to adult undergraduates, usually one evening per week. Current compensation is \$~~6~~ per course.

2. Name and business of the organization for which the work will be performed

*Exemption 6*  
The business of the organization is education.

3. Estimated time to be devoted to this outside activity

The time to be devoted to the activity averages about 6 hours per week.

**3. Purpose of the organization and the nature of activities to be performed, as well as the name or description of anticipated clients.**

The purpose of the organization is to promote clean, renewable energy. In my role I identify people with an interest in promoting alternative energy sources. I educate and encourage people to sign up to have a photovoltaic system constructed on their home and they only pay for the energy the system develops. All homeowners are potential clients.

**4. Statement of whether this organization will be seeking federal funding from any source, either on its own behalf or on behalf of a client.**

The company will be seeking federal funding under the Energy Act of 2006. There are significant federal financial incentives for the development of alternative energy sources, especially renewable and green technologies.

**5. Statement of whether this organization has any relationship to EPA via contract, grant, enforcement action, or other activity or mechanism.**

The company appears to have no relationship with EPA via a contract, grant, enforcement action or other activity or mechanism.

**6. Description of how this outside activity may relate to my EPA responsibilities.**

There is no known relationship to my current or reasonably anticipated EPA responsibilities.

**7. Estimate of time to be devoted to this outside activity, and extent to which it may require absence from EPA.**

This is largely an evening and weekend activity and perhaps an activity I would conduct on my compressed day. I do not plan to have any absence from EPA.

I would be glad to discuss this endeavor further if you request.

By my signature, I certify that this information is true and correct.

exemption b  
Signature

1/10/07  
Date

APPROVED  DISAPPROVED

James E. Woolford  
James E. Woolford, Director, OSRTI  
Deputy Ethics Official

2/12/07  
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
SOLID WASTE AND EMERGENCY  
RESPONSE

FEB 12 2007

**MEMORANDUM**

**SUBJECT:** REQUEST FOR APPROVAL OF OUTSIDE EMPLOYMENT

**TO:** James E. Woolford  
Deputy Ethics Official  
Office of Superfund Remediation and Technology Innovation (OSRTI)  
Office of Solid Waste and Emergency Response

**FROM:** Exemption 6 *[Signature]*  
Institutional Controls Program Manager, OSRTI

Please accept this memo as a request for approval of the proposed outside employment described below. This request is predicated on the understanding that I must submit a revised request if there is any change in either my EPA areas of responsibility or in the nature and scope of my outside employment. I also understand that I may not use my EPA title in conducting these activities, except as general biographical information. I also understand that I may not utilize information obtained from my work with EPA that is not generally available to the public and further agree to abide by the ethical requirements applicable to federal employees.

**1. Nature of my current or anticipated EPA responsibilities.**

I am currently the OSRTI national expert for Institutional Controls (ICs). My primary responsibilities include the development and implementation of national policies, training, best practice development and advocacy, and strengthening the core capabilities and capacity of Federal, State, Tribal, and local agencies as well as industry. I am a Project Manager for a Interagency Agreement with Argonne National Laboratory and an Alternate Work Assignment Manager with CSC. Neither of these contractual responsibilities are germane to the proposed employment.

**2. Name and address of organization for which the work will be performed.**

I am interested in becoming an Exemption 6



{In Archive} Re: Ethics matters

David Bloom to: *EXEMPTION 6*

Cc: Tracy Hunt

01/13/2006 12:33 PM

Archive

This message is being viewed in an archive.

Thank you for your email. The outside employment is not a problem. David

*EXEMPTION 6* DC/USEPA/US



*EX 6*

DC/USEPA/US

01/13/2006 10:36 AM

To David Bloom/DC/USEPA/US@EPA

cc Tracy Hunt/DC/USEPA/US@EPA

Subject Ethics matters

Good morning David,

The Ethics Rep at the Orientation Day asked all of us who have paid part time activities outside EPA work hours to contact the person responsible for Ethics matters in our office. Michele Wilburn gave me your name to contact. At present, I teach a management course and an accounting course at the *EX 6* *EX 6*. I have taught these and many other management, accounting, and economics courses for many years at local colleges and universities. These courses have nothing to do with my work at EPA, and they use standard textbooks that the universities and college provide.

Please, let me know if there is anything else I need to do to comply fully with EPA's Ethics regulations.

Thank you,

*EX 6*

Budget Analyst,

Control Team, Budget Office

U.S. Environmental Protection Agency

1200 Pennsylvania Ave. NW

Room 4443 N

Ariel Rios North Building

Washington DC 20460

Tel: 202 564-1052

Fax: 202 564-1838

E-mail: I *EX 6* @epamail.epa.gov

Description of Proposed Outside Activity

Name: exemption 6

Title: Biologist

Grade: GS-13

Nature of Activity: Three articles are being prepared based on work I completed before my employment with the EPA and work completed by others after I began working at the EPA. The journal article authors and titles are:

Title: Use of Polyoxymethylene for Measuring Dissolved PAH

Authors: exemption 6

Intended journal: Environmental Science and Technology

Title: Use of Polydimethylsiloxane for Measuring Dissolved PAH

Authors: exemption 6

Intended journal: Journal of Environmental Monitoring

Title: Comparison of Passive Sampling Devices (PSDs) for Measuring Dissolved PAH

Authors: exemption 6

Intended journal: Environmental Science and Technology

Compensation Received: None

Time Involved: Most of the work was completed prior to me coming to EPA. A few hours will be needed to respond to comments and other general processing. All of the work on the papers will be completed outside my normal duty hours.

Grants or Contacts Involved: None.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON D.C., 20460

OFFICE OF  
CHEMICAL SAFETY AND  
POLLUTION PREVENTION

MEMORANDUM

**SUBJECT:** Request for Approval of Outside Activity      **DATE:** September 13, 2012  
Publishing Journal Article

**FROM:** *EX 6* Ph.D., Biologist  
Environmental Risk Branch IV  
Environmental Fate and Effects Division (7507P)  
Office of Pesticide Programs

*Exemption 6*  
*9/13/2012*

**TO:** Steven Bradbury, Deputy Ethics Official  
Office of Pesticide Programs (7501P)

**THRU:** Marietta Echeverria, Branch Chief  
Environmental Risk Branch IV  
Environmental Fate and Effects Division (7507P)

*M. E*      *9/20/12*

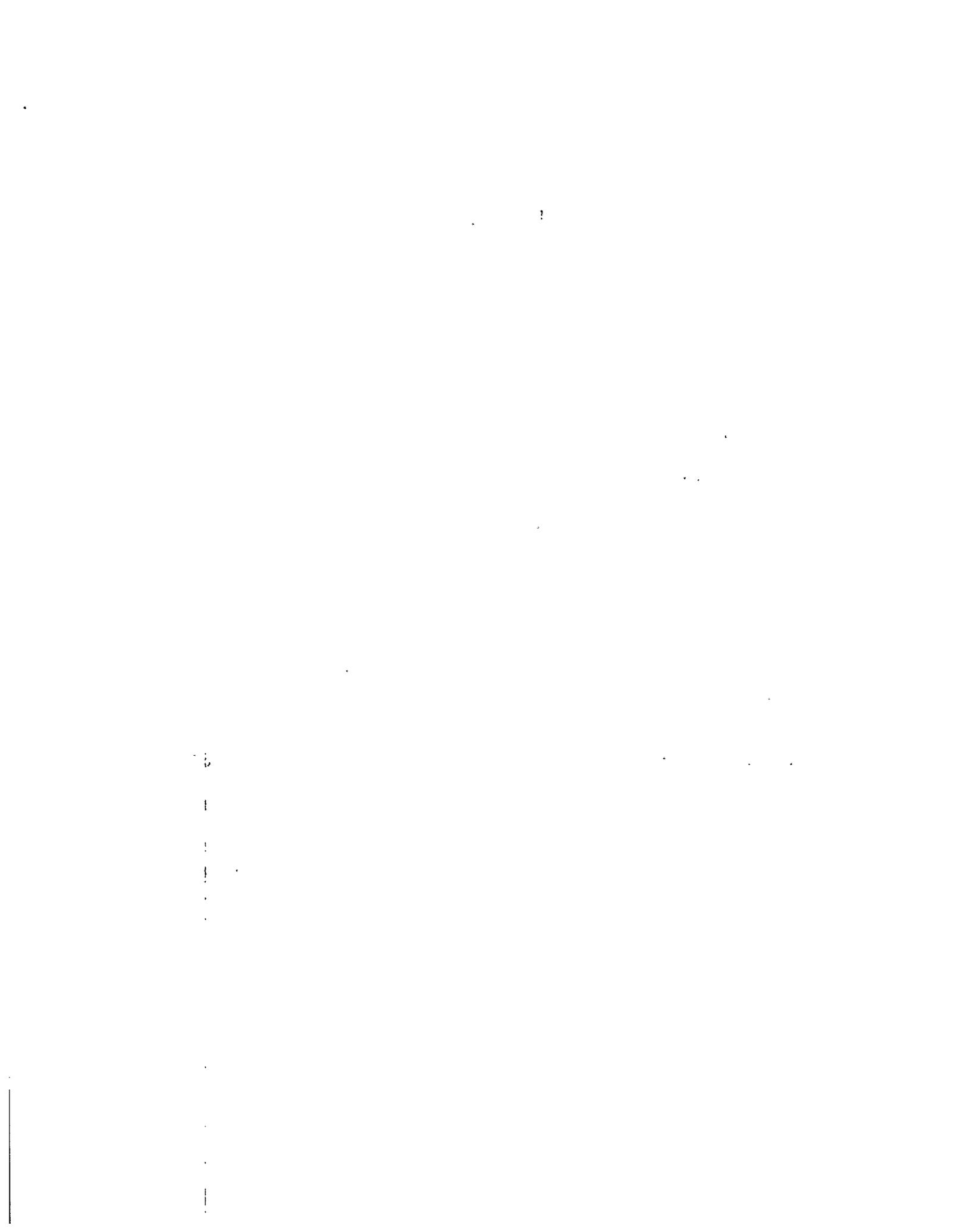
I am requesting approval to engage in publishing three journal articles. In accordance with 41 C.F.R. § 2635.807, I would not receive any compensation for writing the articles.

The topics of the articles involve research I completed for my dissertation while at *Exemption 6* State University and work completed in the same laboratory after I left State University but that built on work I completed. A description of the outside activity is attached.

I believe no conflict of interest would be involved in performing these activities. In connection with this activity, I will not use EPA equipment, facilities, resources, or my time during official working hours. I also will not use information obtained as a result of my EPA position that is not freely available to the general public. In the articles, I will not represent parties before any Federal Agencies and I will refrain from taking any action implying official or unofficial EPA endorsement of any advice or opinions which I may give. I have read and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

Attachment

cc: Debby Sisco (7501P)





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OCT 4 2012

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

**MEMORANDUM**

**SUBJECT:** Approval of Outside Employment

**FROM:** Steven Bradbury, Deputy Ethics Official  
Office of Pesticide Programs 

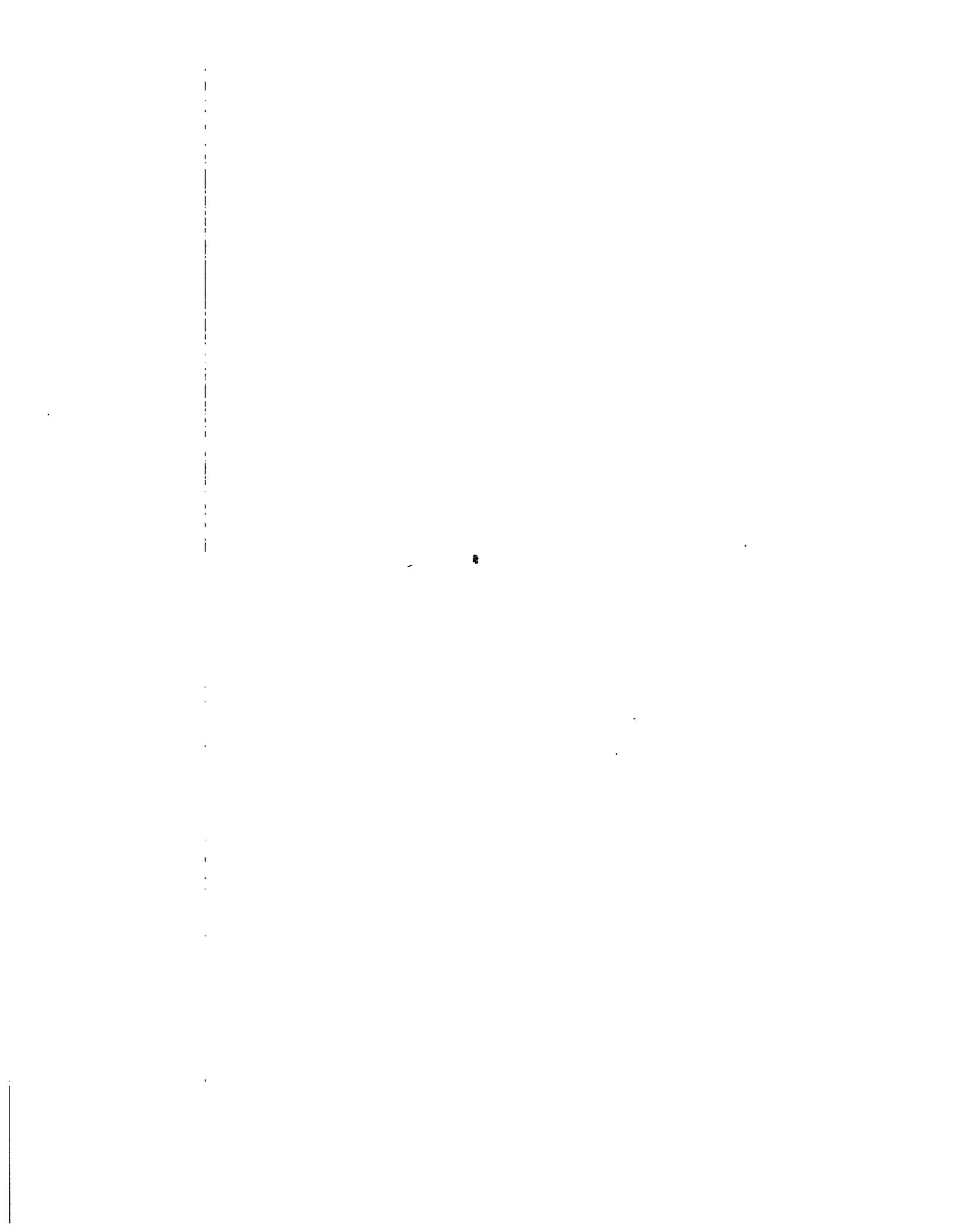
**TO:** Ex. 6 Ph.D., Biologist  
Environmental Risk Branch IV  
Environmental Fate and Effects Division (7507P)  
Office of Pesticide Programs

This will confirm my approval of your request to engage in a one-time outside activity publishing three journal articles based on work completed prior to employment with the EPA, under the conditions outlined in your memorandum dated September 13, 2012. From the information you have provided, I do not expect your employment will involve conduct prohibited by 5 CFR Part 2635 and §6401.102.

This approval allows you to participate in the requested activity for the next five years. However, you are required to update your request if there is a change in the nature or scope of duties or services performed. Also, if you transfer from the Office of Pesticide Programs to an organization that has a different Deputy Ethics Official, you must submit a new request for approval. (5 CFR §6401.103(d))

I wish you well in your endeavor. If you have any questions, please contact me or my ethics assistant, Debby Sisco.

cc: Marietta Echeverria, Branch Chief



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460



OFFICE OF  
PREVENTION, PESTICIDES  
AND TOXIC SUBSTANCES

Description of Proposed Outside Activity

Name: Exemption 6, Ph.D.

Title: Toxicologist

Grade: GS-13

Nature of Activity: Part-time episodic position at Exemption 6  
Exemption 6 where I will provide toxicology consulting services as needed in the areas of

- 1) Heavy metals
- 2) Pharmaceutical agents

I certify that I have never worked and do not plan on working on the aforementioned areas as part of my work-related activities as EPA. I also certify that my consulting work will exclude chemicals with any known pesticidal activity.

Name of Part-time Employer: Exemption 6

Compensation Received: Approximately \$ EX 6

Time Involved: 10-15 hours per week as needed.

Grants or Contacts Involved: Employer currently is not receiving any EPA grants and holds no contracts with EPA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460



OFFICE OF  
PREVENTION, PESTICIDES  
AND TOXIC SUBSTANCES

MEMORANDUM

SUBJECT: Request for Approval of Outside  
Employment or Activity

DATE: 06/12/12

FROM:

*Exemption 6*, Ph.D.  
HED/RAB1

*Exemption 6*

TO:

Steven Bradbury, Deputy Ethics Official  
Office of Pesticide Programs (7501P)

THRU:

David Hrdy, Branch Chief

*David Hrdy*

I am requesting approval to engage in outside activity or employment on a part-time episodic basis in accordance with 5 C.F.R. § 6401.103.

The outside part-time activity would be in *exemption 6* excluding chemicals with any known pesticidal activity. I believe no conflict of interest would be involved in performing these activities. In connection with this employment, I will not use EPA equipment, facilities, resources, or my time during official working hours. I also will not use information obtained as a result of my EPA position that is not freely available to the general public. In this activity, I will not represent parties before any Federal Agencies and I will refrain from taking any action implying official or unofficial EPA endorsement of any advice or opinions which I may give. I have read and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

Attachment

cc: Debby Sisco (7501P)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D C. 20460

JUN 19 2012



OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

**MEMORANDUM**

**SUBJECT:** Approval of Outside Employment

**FROM:** Steven Bradbury, Deputy Ethics Official  
Office of Pesticide Programs

**TO:** exemption 6 Ph.D.  
Health Effects Division, Risk Assessment Branch 1

This will confirm my approval of your request to engage in part time outside activity as a toxicology consultant at exemption 6 for under the conditions outlined in your memorandum dated June 12, 2012. Your work will be limited to heavy metals and pharmaceutical agents with no known pesticidal activity. I do not expect your employment will involve conduct prohibited by 5 CFR Part 2635 and §6401.102.

This approval allows you to participate in the requested activity for the next five years. However, you are required to update your request if there is a change in the nature or scope of your activity. Also, if you transfer from the Office of Pesticide Programs to an organization that has a different Deputy Ethics Official, you must submit a new request for approval. (5 CFR §6401.103(d))

I wish you well in your endeavor. If you have any questions, please contact me or my ethics assistant, Debby Sisco.



Description of Proposed Outside Activity

Name: Exemption 6

Title: Chemist

Grade: GS-14

Nature of Activity: A part-time teaching position at the University of Maryland University College and University of Phoenix as an adjunct assistant professor. I will teach the following courses in the field of environmental science.

- 1) Sustainability and Global Environmental Change
- 2) People, Science and the Environment

Name of Employer: Exemption 6

Compensation Received: Approximately \$~~EX 6~~ per semester for each course at the Exemption 6 and, \$~~EX 6~~ per semester for Exemption 6. No other compensations are provided.

Time Involved: Approximately 30 hours for each course, all of which will be performed outside of normal duty hours (evenings and weekends).

The employers currently are not receiving any EPA grants and hold no contracts with EPA.

**MEMORANDUM**

**SUBJECT:** Request for Approval of Outside  
Employment

DATE: 1/30/2012

**FROM:** *EXEMPTION b*  
Risk Assessment and Science Support Branch  
Antimicrobials Division

**TO:** Steven Bradbury, Deputy Ethics Official  
Office of Pesticide Programs (7501P)

**THRU:** Nader Elkassabany, Chief *Nader Elk*  
Risk Assessment and Science Support Branch  
Antimicrobials Division

I am requesting approval to engage in outside employment on a part-time basis in accordance with 5 C.F.R. § 6401.103.

The outside employment would be a teaching position as adjunct assistant professor at *EXEMPTION b*. Attached is a description of the employment activities as required by 5 C.F.R. § 6401.103. I believe no conflict of interest would be involved in performing these activities. In connection with this employment, I will not use EPA equipment, facilities, resources, or my time during official working hours. I also will not use information obtained as a result of my EPA position that is not freely available to the general public. In this employment, I will not represent parties before any Federal Agencies and I will refrain from taking any action implying official or unofficial EPA endorsement of any advice or opinions which I may give. I have read and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

Attachment

cc: Debby Sisco (7501P)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

COPY

APR 19 2012

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

**MEMORANDUM**

**SUBJECT:** Approval of Outside Employment

**FROM:** Steven Bradbury, Deputy Ethics Official  
Office of Pesticide Programs

**TO:** exemption 6  
Risk Assessment and Science Support Branch  
Antimicrobials Division

This will confirm my approval of your request to engage in part time outside employment with the exemption 6 under the conditions outlined in your memorandum dated January 30, 2012. From the information you have provided, I do not expect your employment will involve conduct prohibited by 5 CFR Part 2635 and §6401.102.

This approval allows you to participate in the requested activity for the next five years. However, you are required to update your request if there is a change in the nature or scope of duties or services performed. Also, if you transfer from the Office of Pesticide Programs to an organization that has a different Deputy Ethics Official, you must submit a new request for approval. (5 CFR §6401.103(d))

I wish you well in your endeavor. If you have any questions, please contact me or my ethics assistant, Debby Sisco.

cc: Nader Elkassabany (7510P)

Description of Proposed Outside Activity

Name: *exemption*

Title: Branch Chief

Grade: GS-15

Nature of Activity: A part-time teaching position at Prince George's Community College as an adjunct professor. I will teach the following course in the field of biological sciences.

1) General Microbiology

Name of Employer: *exemption*

Compensation Received: Approximately \$ *ex* per semester. No other types of compensations are received by me or any other family members.

Time Involved: Approximately 6 hours and 40 mins. per week, all of which will be performed outside of normal duty hours.

Grants or Contacts Involved: To my knowledge employer is currently not receiving any EPA grants and holds no contracts with EPA



**MEMORANDUM**

**DATE: March 24, 2011**

**SUBJECT:** Request for Approval of Outside  
Employment

**FROM:** *Estemphong b*  
Antimicrobials Division/Product Science Branch

**TO:** Steven Bradbury, Deputy Ethics Official  
Office of Pesticide Programs (7501P)

**THRU:** Joan Harrigan-Farrelly  
Division Director  
Antimicrobials Division

*Joan Harrigan Farrelly*

I am requesting approval to engage in outside employment on a part-time basis in accordance with 5 C.F.R. § 6401.103.

The outside employment would be a teaching position as an adjunct professor at *ext b*  
*ext b*. Attached is a description of the employment activities as required by 5 C.F.R. § 6401.103. I believe no conflict of interest would be involved in performing these activities. In connection with this employment, I will not use EPA equipment, facilities, resources, or my time during official working hours. I also will not use information obtained as a result of my EPA position that is not freely available to the general public. In this employment, I will not represent parties before any Federal Agencies and I will refrain from taking any action implying official or unofficial EPA endorsement of any advice or opinions which I may give. I have read and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

Attachment

cc: Debby Sisco (7501P)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 12 2011



OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

**MEMORANDUM**

**SUBJECT:** Approval of Outside Employment

**FROM:** Steven Bradbury, Deputy Ethics Official  
Office of Pesticide Programs

**TO:** Et. 6  
Antimicrobials Division, Product Science Branch

This will confirm my approval of your request to engage in part time outside employment with the Et. 6 under the conditions outlined in your memorandum dated March 24, 2011. From the information you have provided, I do not expect your employment will involve conduct prohibited by 5 CFR Part 2635 and §6401.102.

This approval allows you to participate in the requested activity for the next five years. However, you are required to update your request if there is a change in the nature or scope of duties or services performed. Also, if you transfer from the Office of Pesticide Programs to an organization that has a different Deputy Ethics Official, you must submit a new request for approval. (5 CFR §6401.103(d))

I wish you well in your endeavor. If you have any questions, please contact me or my ethics assistant, Debby Sisco.

Description of Proposed Outside Activity

Name: *Ex 6*

Title: Toxicologist

Grade: GS-14

Nature of Activity: Occasional part-time lecturer at *Ex 6* Center. I will present occasional lectures pertaining to clinical skills assessment for medical students. The occasional lectures encompass topics such as history taking, standard clinical procedures and data interpretation. These topics are general in nature and available to the general public via the internet and general textbooks on clinical examinations. Topics do NOT include toxicology or pesticides or any topic related to my current EPA position.

Name of Employer: The *Ex 6* *Ex 6*

Compensation Received: Approximately \$ *Ex 6* per lecture. Lectures typically are 3 hours duration. On average, lectures will be given once a month.

Time Involved: 3 hours for each lecture, all of which will be performed outside of normal duty hours (primarily weekends and occasional week-day evenings). On average, lectures will be given once a month.

Grants or Contacts Involved: The employer currently is not receiving any EPA grants and holds no contracts with EPA



**MEMORANDUM**

**SUBJECT:** Request for Approval of Outside  
Employment

**DATE:** February 2011

**FROM:** *ex 6* Toxicologist  
Risk Assessment Branch V  
Health Effects Division (7509P)

**TO:** Steven Bradbury, Deputy Ethics Official  
Office of Pesticide Programs (7501P)

**THRU:** Jack Arthur, Branch Chief *Jack Arthur*  
Risk Assessment Branch V  
Health Effects Division (7509P)

I am requesting approval to engage in outside employment on a part-time basis in accordance with 5 C.F.R. § 6401.103.

The outside employment would be as an occasional lecturer at *ex 6* University. Attached is a description of the employment activities as required by 5 C.F.R. § 6401.103. I believe no conflict of interest would be involved in performing these activities. In connection with this employment, I will not use EPA equipment, facilities, resources, or my time during official working hours. I also will not use information obtained as a result of my EPA position that is not freely available to the general public. In this employment, I will not represent parties before any Federal Agencies and I will refrain from taking any action implying official or unofficial EPA endorsement of any advice or opinions which I may give. I have read and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

Attachment

cc: Debby Sisco (7501P)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460



MAR 22 2011

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

MEMORANDUM

**SUBJECT:** Approval of Outside Employment

**FROM:** Steven Bradbury, Deputy Ethics Official  
Office of Pesticide Programs

**TO:** ex 6, Toxicologist  
Risk Assessment Branch V  
Health Effects Division (7509P)

This will confirm my approval of your request to engage in part time outside employment as an occasional lecturer at the ex 6 University in ex 6; under the conditions outlined in your memorandum dated February 2011. From the information you have provided, I do not expect your employment will involve conduct prohibited by 5 CFR Part 2635 and §6401.102.

This approval allows you to participate in the requested activity for the next five years. However, you are required to update your request if there is a change in the nature or scope of duties or services performed. Also, if you transfer from the Office of Pesticide Programs to an organization that has a different Deputy Ethics Official, you must submit a new request for approval. (5 CFR §6401.103(d))

I wish you well in your endeavor. If you have any questions, please contact me or my ethics assistant, Debby Sisco.



## Toxicology and the Laws of Thermodynamics

--- ex 6 ---

Physics is a fundamental science which influences multiple disciplines at an intrinsic level (i.e. chemistry, biochemistry, biomechanics, physiology, etc). The science of toxicology is no different and has considerable influences from the laws of Physics. In particular, the laws of thermodynamics have important influences on the field of toxicology. We present our original and unpublished data which demonstrates important principles of thermodynamics in the field of toxicology. Examples are presented on toxicology data analysis which are consistent with the laws of thermodynamics and conversely conclusions which seemingly contravene the laws of thermodynamics. Multiple important cellular processes require large amounts of energy supply, provided by ATP or ion gradients (i.e. protein synthesis, muscle motion, biomolecule synthesis, cell division, ion pumping, etc). Deficits in cellular energy supply cause decrease of function and can cause adverse outcomes. Some test compounds we evaluated in vitro on primary hepatocytes or primary muscle cells were D-glucose, D-fructose, D-glyceraldehyde, L-glyceraldehyde, antimycin A, oligomycin, cyclosporin A, bupivacaine, cerivastatin, adenosine, galactose, mannose, mannitol, sorbose, sorbitol, tagatose and ethanol. The metrics of toxicity presented which relate to thermodynamics are cellular ATP, ADP, AMP, and adenine levels, as well as mitochondrial membrane potential, muscle force generation and cellular energy charge. Reliable measures of cellular viability, as assayed by LDH release, TOTO-3 or Evans Blue staining, are compared to the cellular energy metric results. The results indicate that multiple important processes in organisms are dependant on a consistent energy supply and some toxicology findings can be sufficiently explained by a decrease in cellular bioenergetics. Mitochondrial membrane potential measurements are complex and artifacts in this data which contravene the laws of thermodynamics are presented. Additionally, the results show that for some classes of compounds, ATP levels alone do not always correlate with cellular viability. An overall model of the role of Physics in toxicology is presented and guidance on bioenergetics data analysis consistent with the laws of thermodynamics is provided.

*Disclaimer: The opinions presented are those of the authors alone and not necessarily those of the US EPA.*

Description of Proposed Outside Activity

Name: ex 6, D.A.B.T.

Title: Toxicologist

Grade: GS-13

Nature of Activity: Attending the ex 6 meeting and presenting a poster on my previously published or public domain PhD or postdoctoral study research at the ex 6 meeting in Phoenix, Arizona on March 23-27, 2014. The drugs and toxins to be used as examples are not on the HED Chemical Assignments List (i.e. D-glucose, D-fructose, D-glyceraldehyde, L-glyceraldehyde, antimycin A, ethanol, bupivacaine, oligomycin, cerivastatin, adenosine, galactose, mannose, mannitol, sorbose, sorbitol, tagatose and cyclosporin A). Antimycin A is listed on the OPPIN Pesticide Products list, however, ex 6 has not had any involvement in the evaluation of this chemical at the US EPA. The experimental results for antimycin A are already available as public domain information in the PhD dissertation of ex 6 and the use of antimycin A as a tool in toxicology research has been previously published by Agency scientists ex 6. Glucose, fructose, mannose, mannitol, sorbitol, adenosine, galactose and ethanol are on the OPPIN Pesticide Products list. However, these compounds are considered GRAS compounds, endogenous biomolecules in humans or food additives, not classified as pesticides but rather used as attractants and considered public domain compounds. ex 6 is not involved in evaluation of any of these compounds at the US EPA, thus no conflict of interest exists. Attending toxicology meetings is important for the development of scientists mentioned in the scientific integrity policy and for maintaining the D.A.B.T. board certification, important for the Agency.

Name of Organizer: ex 6

Compensation Received: No monetary compensation will be provided. ex 6 will pay for the meeting registration, hotel and travel costs.

Time Involved: 5 days of which will be taken from personal leave time of ex 6

Grants or Contacts Involved: The meeting sponsor is the well-respected ex 6 and currently is not receiving any EPA grants and holds no contracts with EPA nor has any US Government funding.

**MEMORANDUM**

**SUBJECT:** Request for Approval of Outside Activity

**DATE:** Sept. 17, 2013

**FROM:** exemption 6, D.A.B.T.  
Toxicologist  
HED, RAB V

exemption 6

**TO:** Steven Bradbury, Deputy Ethics Official  
Office of Pesticide Programs (7501P)

**THRU:** Michael Metzger  
Acting Branch Chief, RAB V  
HED

I am requesting approval to engage in outside activity on a one-time basis in accordance with 5 C.F.R. § 6401.103.

The outside activity would be attending and presenting a poster at a scientific conference, the Ex 6 meeting and submitting the abstract entitled "Toxicology and the Laws of Thermodynamics". Attached is a description of the activities as required by 5 C.F.R. § 6401.103. I believe no conflict of interest would be involved in performing these activities, the seminar information is PhD dissertation, postdoctoral study research or information which I published years ago or already in the public domain. In connection with this activity, I will not use EPA equipment, facilities, resources, or my time during official working hours. I also will not use information obtained as a result of my EPA position that is not freely available to the general public. In this activity, I will not represent parties before any Federal Agencies and I will refrain from taking any action implying official or unofficial EPA endorsement of any advice or opinions which I may give. I have read and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102. A standard disclaimer will be presented such as the following: The views expressed in this poster are those of the presenter and do not necessarily represent the policies or positions of the Environmental Protection Agency or the United States.

Attachment

cc: Debby Sisco (7501P)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460



SEP 30 2013

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

MEMORANDUM

**SUBJECT:** Approval of Outside Employment

**FROM:** Steven Bradbury, Deputy Ethics Official  
Office of Pesticide Programs

**TO:** Ex 6, D.A.B.T.  
Toxicologist, HED, RAB V

This will confirm my approval of your request to engage in a one-time outside activity, presenting a poster at the Ex 6 meeting, March 23-27, in Phoenix Arizona under the conditions outlined in your memorandum dated September 17, 2013. From the information you have provided, I do not expect your employment will involve conduct prohibited by 5 CFR Part 2635 and §6401.102.

This approval allows you to participate in the requested activity for the event described in your memo. However, you are required to update your request if there is a change in the nature or scope of duties or services performed. Also, if you transfer from the Office of Pesticide Programs to an organization that has a different Deputy Ethics Official prior to the date of the event, you must submit a new request for approval. (5 CFR §6401.103(d))

I wish you well in your endeavor. If you have any questions, please contact me or my ethics assistant, Debby Sisco.

**TITLE:** IMPORTANT ASPECTS OF MUSCLE TOXICOLOGY

**AUTHORS (LAST NAME, FIRST NAME):** exemption

**SPONSOR NAME:** None

**ABSTRACT BODY:**

**Hypothesis:**

Muscles are very important tissues in humans and animals. Muscles fulfill vital roles in locomotion and pumping blood, as well performing normal functions which are important to the quality of life. Muscle tissues comprise at least 40% of the body mass in humans and animals, thus muscles are a probable target of toxins. In comparison, the brain is approximately only 2% of the body mass and protected by the blood-brain-barrier. Skeletal muscle tissue is remarkably plastic, with the ability to regenerate from stem cells following injury or chemical insults. Thus, muscle toxicity is often not given sufficient focus in toxicology studies. However, the regenerative capacity of skeletal muscle is limited and can be overwhelmed, as observed with myotoxins and in the various muscular dystrophies, and cardiac muscle regeneration is very limited. While damage to skeletal muscle itself may be reversible, the effects of muscle injury to other organs can be fatal. For instance, crush injury or chemical insult can induce rhabdomyolysis or muscle lysis resulting in the release of muscle myoglobin, which can cause fatal kidney failure. The cholesterol-lowering drug cerivastatin was recalled from the market due to approximately 60 deaths from rhabdomyolysis-induced kidney failure. Also, the antihistamine terfenadine was recalled from the market due to induction of cardiac arrhythmias. Clinical signs such as decreased activity or decreased grip strength may indicate muscle toxicity, however, these signs can also be apical in nature. Other observational signs can reflect CNS, PNS or muscle effects, thus secondary assays such as histology are required to localize the pathology to a specific site of action for a complete hazard characterization.

**Results:**

The toxicity results of several compounds will be compared, ones affecting the CNS, the PNS or exclusively the muscles. For some of the clinical signs, compounds affecting the CNS or PNS had similar results as compounds known to affect exclusively the muscles. Some peripherally-acting compounds caused muscle weakness with decreased function, the same as some compounds affecting the CNS. The key indicators of muscle toxicity will be identified, such as what alterations to consider in histology images and clinical chemistry. Some in vitro toxicity metrics will be presented as biomarkers of muscle toxicity (i.e. force generation changes in single muscle cells).

**Conclusions:**

Muscles have vital roles in humans and laboratory animals and care must be exercised when interpreting toxicity data since the same signs can indicate effects in the brain, peripheral nerves or the muscles. Detection of clinical sign alterations alone does not fully characterize the complete hazard of the compound. Confirmatory studies are needed to determine the more precise cause of the clinical sign alterations, consequences and localize the pathology to a specific tissue (i.e. specific tissue histology or enzyme assays, etc). The specific target tissue causing adverse responses is important to the hazard characterization of drugs, since the CNS has a very limited ability for regeneration. While skeletal muscles can have a robust ability for repair and regeneration, their pathology can induce very serious pathologies in other organs such as the kidneys and toxicity to cardiac muscle can have very serious consequences.

**Disclaimer:** The views expressed are those of the authors alone and do not necessarily reflect those of the US EPA.

**MEMORANDUM**

**SUBJECT:** Request for Approval of Outside Activity

**DATE:** Sept. 24, 2012

**FROM:** *exemption 6*; D.A.B.T. *exemption 6*  
Toxicologist  
HED, RAB V

**TO:** Steven Bradbury, Deputy Ethics Official  
Office of Pesticide Programs (7501P)

**THRU:** Michael Metzger  
Acting Branch Chief, RAB V  
HED

I am requesting approval to engage in outside activity on a one-time basis in accordance with 5 C.F.R. § 6401.103.

The outside activity would be attending and presenting a poster at a scientific conference, the *ex 6* meeting and submitting the abstract entitled "Important Aspects of Muscle Toxicology". Attached is a description of the activities as required by 5 C.F.R. § 6401.103. I believe no conflict of interest would be involved in performing these activities, the seminar information is pharmaceutical and postdoctoral study muscle research which I published 3-9 years ago and already in the public domain. In connection with this activity, I will not use EPA equipment, facilities, resources, or my time during official working hours. I also will not use information obtained as a result of my EPA position that is not freely available to the general public. In this activity, I will not represent parties before any Federal Agencies and I will refrain from taking any action implying official or unofficial EPA endorsement of any advice or opinions which I may give. I have read and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102. A standard disclaimer will be presented such as the following: The views expressed in this poster are those of the presenter and do not necessarily represent the policies or positions of the Environmental Protection Agency or the United States.

Attachment

cc: Debby Sisco (7501P)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C 20460

OCT 1 2012



OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

**MEMORANDUM**

**SUBJECT:** Approval of Outside Employment

**FROM:** Steven Bradbury, Deputy Ethics Official  
Office of Pesticide Programs

**TO:** exemption 6, D.A.B.T.  
Toxicologist, HED, RAB V

This will confirm my approval of your request to engage in a one-time outside activity, presenting a poster at the exemption 6 meeting, March 10-14, in San Antonio Texas under the conditions outlined in your memorandum dated September 24, 2012. From the information you have provided, I do not expect your employment will involve conduct prohibited by 5 CFR Part 2635 and §6401.102.

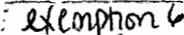
This approval allows you to participate in the requested activity for the event described in your memo. However, you are required to update your request if there is a change in the nature or scope of duties or services performed. Also, if you transfer from the Office of Pesticide Programs to an organization that has a different Deputy Ethics Official prior to the date of the event, you must submit a new request for approval. (5 CFR §6401.103(d))

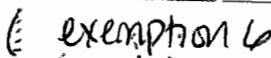
I wish you well in your endeavor. If you have any questions, please contact me or my ethics assistant, Debby Sisco.

**MEMORANDUM**

**SUBJECT:** Request for Approval of Outside Activity

**DATE:** August 7, 2012

**FROM:** exemption , D.A.B.T.  
Toxicologist  
HED, RAB V

exemption 

**TO:** Steven Bradbury, Deputy Ethics Official  
Office of Pesticide Programs (7501P)

**THRU:** Michael Metzger  
Acting Branch Chief, RAB V  
HED

I am requesting approval to engage in outside activity on a one-time basis in accordance with 5 C.F.R. § 6401.103.

The outside activity would be presenting a seminar at a scientific conference. Attached is a description of the activities as required by 5 C.F.R. § 6401.103. I believe no conflict of interest would be involved in performing these activities, the seminar information is pharmaceutical research which I published 6-9 years ago and already in the public domain. The sponsors of the conference are independent organizers of general scientific meetings, held in various countries. The meeting organizing company are not affiliated with the Chinese government. In connection with this activity, I will not use EPA equipment, facilities, resources, or my time during official working hours. I also will not use information obtained as a result of my EPA position that is not freely available to the general public. In this activity, I will not represent parties before any Federal Agencies and I will refrain from taking any action implying official or unofficial EPA endorsement of any advice or opinions which I may give. I have read and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102. A standard disclaimer will be presented such as the following: The views expressed in this speech are those of the presenter and do not necessarily represent the policies or positions of the Environmental Protection Agency or the United States.

Attachment

cc: Debby Sisco (7501P)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 10 2012

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION



**MEMORANDUM**

**SUBJECT:** Approval of Outside Employment

**FROM:** Steven Bradbury, Deputy Ethics Official  
Office of Pesticide Programs

**TO:** Exemption  
Toxicologist, HED

This will confirm my approval of your request to engage in an outside activity on a one-time basis, under the conditions outlined in your memorandum dated August 7, 2012. From the information you have provided, I do not expect your employment will involve conduct prohibited by 5 CFR Part 2635 and §6401.102.

This approval allows you to participate in the requested employment for the remainder of 2012. However, you are required to update your request if there is a change in the nature or scope of duties or services performed. Also, if you transfer from the Office of Pesticide Programs to an organization that has a different Deputy Ethics Official, you must submit a new request for approval. (5 CFR §6401.103(d))

I wish you well in your endeavor. If you have any questions, please contact me or my ethics assistant, Debby Sisco.

cc: Michael Metzger, Acting Branch Chief



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

MEMORANDUM

**SUBJECT:** Request for Approval of Outside  
Employment

**DATE:** April 27, 2011

**FROM:** exemption 6  
Health Effects Division/RAB3

12X 6

**TO:** Steven Bradbury, Deputy Ethics Official  
Office of Pesticide Programs (7501P)

**THRU:** Paula Deschamp  
RAB3, Chief

I am requesting approval to engage in outside employment (or activity) on a part-time basis in accordance with 5 C.F.R. § 6401.103.

exemption 6 The outside employment would be a teaching position as adjunct assistant professor at exemption 6. Attached is a description of the employment activities as required by 5 C.F.R. § 6401.103. I believe no conflict of interest would be involved in performing these activities. In connection with this employment, I will not use EPA equipment, facilities, resources, or my time during official working hours. I also will not use information obtained as a result of my EPA position that is not freely available to the general public. In this employment, I will not represent parties before any Federal Agencies and I will refrain from taking any action implying official or unofficial EPA endorsement of any advice or opinions which I may give. I have read and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

Attachment

cc: Debby Sisco (7501P)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

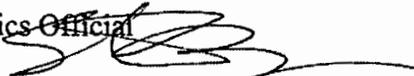
MAY 20 2011



OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

**MEMORANDUM**

**SUBJECT:** Approval of Outside Employment

**FROM:** Steven Bradbury, Deputy Ethics Official  
Office of Pesticide Programs 

**TO:** exemption 6  
Health Effects Division, RAB3

This will confirm my approval of your request to engage in part time outside employment as an adjunct assistant professor at exemption 6; under the conditions outlined in your memorandum dated April 27, 2011. From the information you have provided, I do not expect your employment will involve conduct prohibited by 5 CFR Part 2635 and §6401.102.

This approval allows you to participate in the requested activity for the next five years. However, you are required to update your request if there is a change in the nature or scope of duties or services performed. Also, if you transfer from the Office of Pesticide Programs to an organization that has a different Deputy Ethics Official, you must submit a new request for approval. (5 CFR §6401.103(d))

I wish you well in your endeavor. If you have any questions, please contact me or my ethics assistant, Debby Sisco.

cc: Paula Deschamp





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON D.C., 20460

OFFICE OF  
PREVENTION, PESTICIDES AND TOXIC  
SUBSTANCES

MEMORANDUM

**SUBJECT:** Request for Approval of an Outside Activity (Speaking engagement in an annual international technical conference in Barcelona, Spain)

**DATE:** July 2, 2009

**FROM:** Ex. 6, Ph.D, Team Leader Ex 6  
Biological and Economic Analysis Division/Microbiology Laboratory Branch

**TO:** Debbie Edwards, Deputy Ethics Official  
Office of Pesticide Programs (7501P)

**THRU:** Susan Lawrence  
Branch Chief

I am requesting approval to participate in an outside activity in accordance with 5 C.F.R. § 6401.103.

The outside activity would be a speaking engagement on July 8, 2009 at an international conference organized by the Exemption 6. Attached is a description of the outside activity as required by 5 C.F.R. § 6401.103. I believe no conflict of interest would be involved in performing this outside activity. In connection with this outside activity, I will not use EPA equipment, facilities, resources, or my time during official working hours. I also will not use information obtained as a result of my EPA position that is not freely available to the general public. In this outside activity, I will not represent USEPA nor represent parties before any Federal Agencies and I will refrain from taking any action implying official or unofficial EPA endorsement of any advice or opinions which I may give. I have read and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

Attachment

cc: Debby Sisco (7501P)

Description of Proposed Outside Activity

Name: Exemption b

Title: Team Leader

Grade: GS-14

Nature of Activity: A one time speaking engagement on July 8, 2009 in an annual international technical conference in Barcelona, Spain. The subject of the talk is "Early Warning Systems to Monitor Drinking Water Quality".

Name of Sponsor: Exemption b

Compensation Received: Compensation such as free travel, tickets, lodging, etc. No honorarium would be provided.

Time Involved: 1.5 hour, July 8, 2009 while on annual leave

Grants or Contacts Involved: The sponsoring organization Exemption b currently is not receiving any EPA grants and holds no contracts with EPA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 06 2009



OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

**MEMORANDUM**

**SUBJECT:** Approval of Outside Activity

**FROM:** Debra Edwards, Deputy Ethics Official  
Office of Pesticide Programs

**TO:** EXEMPTION 6  
OPP Microbiology Laboratory  
Biological and Economic Analysis Division

This will confirm my approval of your request to engage in a one time speaking engagement for a presentation on the "Early Warning Systems to Monitor Drinking Water Quality" in Barcelona, Spain on July 8, 2009 at the Annual Exemption 6 ex 6 under the conditions outlined in your memorandum dated July 2, 2009. From the information you have provided, I do not expect this activity will involve conduct prohibited by 5 CFR Part 2635 and §6401.102.

I wish you well in your endeavor. If you have any questions, please contact me or my ethics assistant, Debby Sisco.



Description of Proposed Outside Activity

Name: EXEMPTION 6

Title: Biologist

Grade: GS-11

Nature of Activity: Preparation and publication of research papers in scientific journals on the topic of human health effects of arsenic exposure in Romania. The potential publications include:

1. "Increased blood pressure hyperreactivity in normotensive men exposed to low-to-moderate inorganic arsenic in drinking water" in the *Journal of Physiology* or a similar scientific journal. I will be a co-author on this publication.
2. "Effects of underlying differences in inorganic arsenic metabolism on reproductive outcome" in *Environmental Health* or a similar scientific journal. I will be the first author on this publication.
3. "Does metabolic partitioning of inorganic arsenic impact human health-risk?" as a hypothesis paper in *Lancet* or a similar scientific journal. I will be a co-author on this publication.

My affiliation on these papers will be Yale University, where I was a graduate student at the time the research was conducted. The co-author affiliations will be Yale University or other universities in Romania and Austria. No mention will be made of my current employment at EPA.

Compensation Received: None

Time Involved: Approximately 3 hours per week until publication, all of which will be performed outside of normal duty hours.

Grants or Contacts Involved: The research was not supported by any EPA grants and the co-authors hold no contracts with EPA.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON D.C., 20460

**MEMORANDUM**

**SUBJECT:** Request for Approval of Outside Activity

**DATE:** February 15, 2012

**FROM:** ET 6, Biologist EX 6  
Environmental Risk Branch 2  
Environmental Fate and Effects Division (7507P)  
Office of Pesticide Programs

**TO:** Steven Bradbury, Deputy Ethics Official  
Office of Pesticide Programs (7501P)

**THROUGH:** Brian Anderson, Branch Chief Brian A  
Environmental Risk Branch 2  
Environmental Fate and Effects Division (7507P)  
Office of Pesticide Programs

I am requesting approval to engage in outside activity on a part-time basis in accordance with 5 C.F.R. § 6401.103.

The outside activity would be the preparation and publication of papers in scientific journals. The papers report results from my master's thesis research, conducted in 2010, investigating human health effects of arsenic exposure in Romania. Attached is a description of the activities as required by 5 C.F.R. § 6401.103. I believe no conflict of interest would be involved in performing these activities. In connection with this activity, I will not use EPA equipment, facilities, resources, or my time during official working hours. I also will not use information obtained as a result of my EPA position that is not freely available to the general public. In this activity, I will not represent parties before any Federal Agencies and I will refrain from taking any action implying official or unofficial EPA endorsement of any advice or opinions which I may give. I have read and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

Attachment

cc: Debby Sisco (7501P)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 15 2012



OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

**MEMORANDUM**

**SUBJECT:** Approval of Outside Employment

**FROM:** Steven Bradbury, Deputy Ethics Official  
Office of Pesticide Programs

**TO:** EXG Biologist  
Environmental Fate and Effects Division, ERB II

This will confirm my approval of your request to engage in part time outside activity to publish the results of your master's theses research, under the conditions outlined in your memorandum dated February 15, 2012. From the information you have provided, I do not expect your activity will involve conduct prohibited by 5 CFR Part 2635 and §6401.102.

This approval allows you to participate in the requested activity for the next five years. However, you are required to update your request if there is a change in the nature or scope of duties or services performed. Also, if you transfer from the Office of Pesticide Programs to an organization that has a different Deputy Ethics Official, you must submit a new request for approval. (5 CFR §6401.103(d))

I wish you well in your endeavor. If you have any questions, please contact me or my ethics assistant, Debby Sisco.

cc: Brian Anderson, Branch Chief (7507P)

Description of Proposed Outside Activity

Name: Ex 6

Title: Senior Biologist

Grade: GS-14

Nature of Activity: Co-authoring a publication involving work completed while I was employed by Ex 4. Specifically, this work involved assessing population-level effects of zinc exposure to brown trout (*Salmo trutta*) in the Arkansas River at Leadville, CO.

Compensation Received: None

Time Involved: Approximately 24 hours, all of which will be performed outside of normal duty hours.

Grants or Contacts Involved: This work was partially funded by the Probabilistic Risk Assessment Center of Central New York (<http://esc.syrres.com/pracenter/>) under USEPA Grant R-83034501-0.

**MEMORANDUM**

**SUBJECT:** Request for Approval of Outside Activity: Co-authoring a publication

**DATE:** April 11, 2011

**FROM:** EX 6, Senior Biologist EXEMPTION 6  
Office of Pesticide Programs, Environmental Fate and Effects Division,  
Environmental Risk Branch II

**TO:** Steven Bradbury, Deputy Ethics Official  
Office of Pesticide Programs (7501P)

**THRU:** Brian Anderson, Branch Chief Brian Anderson  
Office of Pesticide Programs, Environmental Fate and Effects Division,  
Environmental Risk Branch II

I am requesting approval to engage in an outside activity on a part-time basis in accordance with 5 C.F.R. § 6401.103.

The outside activity would involve co-authoring a publication that is related to work I completed previous to my employment with the Environmental Protection Agency (EPA). I completed the work that is the subject of this publication while I was employed by EX 6 (EX 6), a company which is a contractor to the EPA. Specifically, this work involved assessing population-level effects of zinc exposure to brown trout (*Salmo trutta*) in the Arkansas River at Leadville, CO. One of the co-authors of this publication is still with SRC. The remaining co-authors are with another company (i.e., EX 6).

Attached is a description of the employment activities as required by 5 C.F.R. § 6401.103. I believe no conflict of interest would be involved in performing these activities. In connection with this activity, I will not use EPA equipment, facilities, resources, or my time during official working hours. I also will not use information obtained as a result of my EPA position that is not freely available to the general public. In this employment, I will not represent parties before any Federal Agencies and I will refrain from taking any action implying official or unofficial EPA endorsement of any advice or opinions which I may give. I have read and will abide by the restrictions described in 5 C.F.R. Part 2635 and § 6401.102.

Attachment

cc: Debby Sisco (7501P)





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 22 2011



OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

**MEMORANDUM**

**SUBJECT:** Approval of Outside Employment

**FROM:** Steven Bradbury, Deputy Ethics Official  
Office of Pesticide Programs 

**TO:** ELB Senior Biologist  
Environmental Fate and Effects Division, ERB II

This will confirm my approval of your request to engage in part time outside employment with the co-authoring a publication under the conditions outlined in your memorandum dated April 11, 2011. From the information you have provided, I do not expect your employment will involve conduct prohibited by 5 CFR Part 2635 and §6401.102.

This approval allows you to participate in the requested activity for the next five years. However, you are required to update your request if there is a change in the nature or scope of duties or services performed. Also, if you transfer from the Office of Pesticide Programs to an organization that has a different Deputy Ethics Official, you must submit a new request for approval. (5 CFR §6401.103(d))

I wish you well in your endeavor. If you have any questions, please contact me or my ethics assistant, Debby Sisco.

cc: Brian Anderson, Branch Chief



Following up on your earlier email, I have been offered the position at FOIA EXL University I mentioned. In accordance with EPA Supplemental Regulations at 5 CFR 6401.103, I am requesting approval for outside employment. Below I provide the information required in the regulations:

(1) Employee's name, title and grade;

FOIA EXL, Conflict Resolution Specialist, GS-15

(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;

The position is for an adjunct professor to teach a course on environment and conflict in the M.A. in Conflict Resolution Program. Services provided related to this position will include course preparation, teaching class sessions, providing guidance/advice to students outside of class time, and evaluating students' performance.

The amount of compensation is \$ EXL for a single course.

(3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);

FOIA EXL University

(4) The estimated time to be devoted to the activity;

I estimate that the position will require approximately five hours/week during the semester in which the course is held (likely Spring 2009). I will need to invest a smaller amount of time per week to prepare for the course prior to that time.

(5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);

Most of the services will be performed outside of normal duty hours. On limited occasions, I may request annual leave or a flexible work schedule to accommodate teaching responsibilities, consistent with my approved EPA individual development plan.

(6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;

I will not use official duty time or Government property, resources, or facilities not available to the general public in connection with the outside employment.

(7) The basis for compensation (e.g., fee, per diem, per annum, etc.);

The salary will be paid on a per course basis.

(8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102;

I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102.

and

(9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

I know of no EPA assistance agreements or contracts with FOIA EXL University related to my work at the Agency.

If you need any additional information or have questions, please let me know.



Please let me know if you have any questions or need additional information.

EX6

FOIA EX6  
Conflict Prevention and Resolution Center  
U.S. Environmental Protection Agency  
"Making Agreement Easier" | (202) EX6  
<http://intranet.epa.gov/adr> or <http://www.epa.gov/adr>

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**From:** Peggy Love [mailto:Peggy Love/DC/USEPA/US]  
**Sent:** Wednesday, April 02, 2008 9:33 AM  
**To:** FOIA EX6  
**Cc:** Pat Hirsch  
**Subject:** Re: Request for Approval for Outside Employment

EX6

I reviewed your request for approval for outside employment to serve as an adjunct professor at FOIA EX6 University. You have been asked to teach a course on environment and conflict in the M.A. in Conflict Resolution Program. Services provided related to this position will include course preparation, teaching class sessions, providing guidance/advice to students outside of class time, and evaluating students' performance. You will be compensated for your work. Most of the services will be performed outside of normal duty hours. On limited occasions, you may request annual leave or a flexible work schedule to accommodate teaching responsibilities, consistent with your approved EPA individual development plan. You will not use official duty time or Government property, resources, or facilities not available to the general public in connection with the outside employment. I approve your request and will place a copy of this e-mail in your ethics file that I have in my office.

This approval is good for five years and must be updated if there is a change in the nature or scope of your duties, or if you transfer to another organization and have a new Deputy Ethics Official.

Peggy Love  
Attorney (Ethics)  
Deputy Ethics Official (DEO)  
Office of General Counsel  
7439 AR-N  
(202) 564-1784  
FOIA EX6 /DC/USEPA/US

FOIA EX6 /DC/USEPA/US

04/01/2008 04:54 PM

To Peggy Love/DC/USEPA/US@EPA, Pat Hirsch/DC/USEPA/US@EPA  
cc

Subject Request for Approval for Outside Employment

Peggy,



**Keith, Jennie**

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**From:** Keith, Jennie  
**Sent:** Thursday, September 26, 2013 2:02 PM  
**To:** FOIA ex6  
**Subject:** RE: Request for Approval for Outside Employment

ex6

You will be able to teach at FOIA ex6. Would you send me a new request with all required information instead of referencing the old one? If you would like to update the old one, it is an email to Peggy Love dated April 1, 2008 with title "Request for Approval for Outside Employment" (if your archives go back that far). Peggy also responded to your email on April 2, 2008 if you can find that email, too.

Thanks!  
Jennie for OGC/Ethics  
202-564-3412

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**From:** FOIA ex6  
**Sent:** Thursday, September 26, 2013 1:54 PM  
**To:** Keith, Jennie  
**Cc:** Kuhlman, Richard  
**Subject:** FW: Request for Approval for Outside Employment

Jennie,

I'm checking in about this request. When can I expect a response? The folks at Georgetown are attempting to plan for the spring semester and I need to let me know if I cannot teach the class.

ex6

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FOIA ex6  
Conflict Prevention and Resolution Center  
U.S. Environmental Protection Agency  
"Making Agreement Easier" | (202) 343-8800  
<http://intranet.epa.gov/adr> or <http://www.epa.gov/adr>

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**From:** FOIA ex6  
**Sent:** Thursday, September 05, 2013 3:59 PM  
**To:** Keith, Jennie  
**Cc:** Kuhlman, Richard  
**Subject:** FW: Request for Approval for Outside Employment

Jennie,

FOIA ex6 University is again asking me to teach during the spring 2014 semester. I am writing to request approval for outside employment because five years have passed since the previous approval. I certify that all of the information I provided back in 2008, as required by the regulations, is unchanged. That includes, unfortunately, the level of compensation!



---

**From:** Justina Fugh [mailto:Justina.Fugh@DC/USEPA/US]

**Sent:** Friday, November 20, 2009 4:30 PM

**To:** POIN EXC

**Subject:** your dissertation

Hi' EXC

My belated thanks for coming by to speak with me on November 12th about your dissertation and your interest in publishing it (presumably for compensation). The general subject matter of your dissertation involves alternative dispute resolution, which is quite similar to the work you perform at EPA. As we discussed, your PhD dissertation, currently entitled "Turning Points in Environmental Negotiation: Dynamics, Roles, and Case Related Factors," applies an adapted version of an established turning points framework to nearly 30 environmental negotiation cases that occurred over 30 years in three countries. While some of the case studies involve EPA, you did not participate in any of them. Your dissertation was written while you are an EPA employee, but you did not use any nonpublic information.

Federal employees are generally prohibited from receiving compensation for any teaching, speaking or writing that deals in significant part with their official duties. 5 CFR 2635.807. However, in discussing the matter with you and in reviewing the dissertation itself, I conclude that your work is not captured under this prohibition. It deals generally with your area of expertise and not significantly. Therefore, I conclude that you may seek to have the work published and receive any compensation.

As a reminder, you should check in with me or someone in OGC/Ethics about any reference to your EPA position and title associated with the book. You may not, for example, use your title or position to promote the book, nor may you refer solely to your EPA position and title in your biography. Any reference to EPA position or title should be accompanied by at least two other biographical details, with EPA not having any undue prominence.

Congratulations on completing your dissertation, POIN EXC. I'll return your document to you, I promise!  
Justina

Justina Fugh \* Senior Counsel for Ethics \* Office of General Counsel \* US EPA (Mail Code 2311A) \*  
Room 4308 Ariel Rios North \* Washington, DC 20460 \* phone 202-564-1786 / cell 202-731-3631 / fax  
202-564-1772



**Keith, Jennie**

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**From:** Keith, Jennie  
**Sent:** Wednesday, November 06, 2013 3:12 PM  
**To:** FOIA EX 6  
**Subject:** RE: your dissertation

EX 6

Per our conversation, the only thing to add here would be a disclaimer at the end of your biography, wherever biography is placed in the book.

This work is not a product of the United States Government or the United States Environmental Protection Agency, and the author/editor/speaker is not doing this work in any governmental capacity. The views expressed are those of the author/editor/speaker only and do not necessarily represent those of the United States or the US EPA.

That's it!  
Jennie for OGC/Ethics  
202-564-3412

---

**From:** FOIA EX 6  
**Sent:** Tuesday, October 29, 2013 12:15 PM  
**To:** Keith, Jennie  
**Cc:** Fugh, Justina  
**Subject:** FW: your dissertation

Jennie,

I ran into Justina today and she suggested that I get in touch with you about the status of my book project. See below for the related ethics approval.

I have been informed by my editor, who is currently reviewing the completed manuscript, that it will probably be published in early 2014. He has not yet asked me for a biographical abstract, but I understand that what I provide will need to conform with Justina's direction provided below. If I decide to make a reference to my EPA position or title, which would occur in the biographical abstract and acknowledgements section, there will certainly be more than two other biographical details, including my current university affiliations and academic degrees.

As I anticipate the many tasks that will be needed to bring this project to closure, is there anything else that will be needed from an EPA ethics perspective?

EX 6

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FOIA EX 6  
Conflict Prevention and Resolution Center  
U.S. Environmental Protection Agency  
"Making Agreement Easier" | (202) FOIA EX 6  
<http://intranet.epa.gov/adr> or <http://www.epa.gov/adr>

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December 19, 2013

Dear Ms. Keith,

I am writing to request approval of outside employment until January 30, 2014, when I separate from Federal Government. I am currently an Attorney-Advisor, GS 14, in OGC/GLO/the Employment Law Practice Group.

I will be working as an employment attorney for the FOIA EXEMPTION 6, a national network of local health and human services providers offering an array of quality, community-based services to adults and children with intellectual and developmental disabilities and catastrophic injuries and illnesses. The FOIA EXEMPTION 6 does not hold any EPA assistance agreements or contracts.

I will be working 40 hours a week for the FOIA EXEMPTION 6, but as I will be on a LWOP status from the EPA, no official duty time or Government property, resources, or facilities available to the general public will be used in connection with my outside employment.

I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations).

If you have any questions, please contact me at FOIA EX 6, or at FOIA EXEMPTION 6.

Thank you,

FOIA EX 6

FOIA EX. 6



**From:** Keith, Jennie  
**Sent:** Wednesday, December 18, 2013 5:18 PM  
**To:** FOIA EX6  
**Subject:** RE: Follow up on yesterday's call

EX6

Attached is the document about requesting outside activity. The link is also here:

[http://intranet.epa.gov/ogc/ethics/outside\\_activity.htm](http://intranet.epa.gov/ogc/ethics/outside_activity.htm)

Also, here is the link to the ethics training, "Leaving Federal Service,"

<http://intranet.epa.gov/ogc/LFS/10.html>

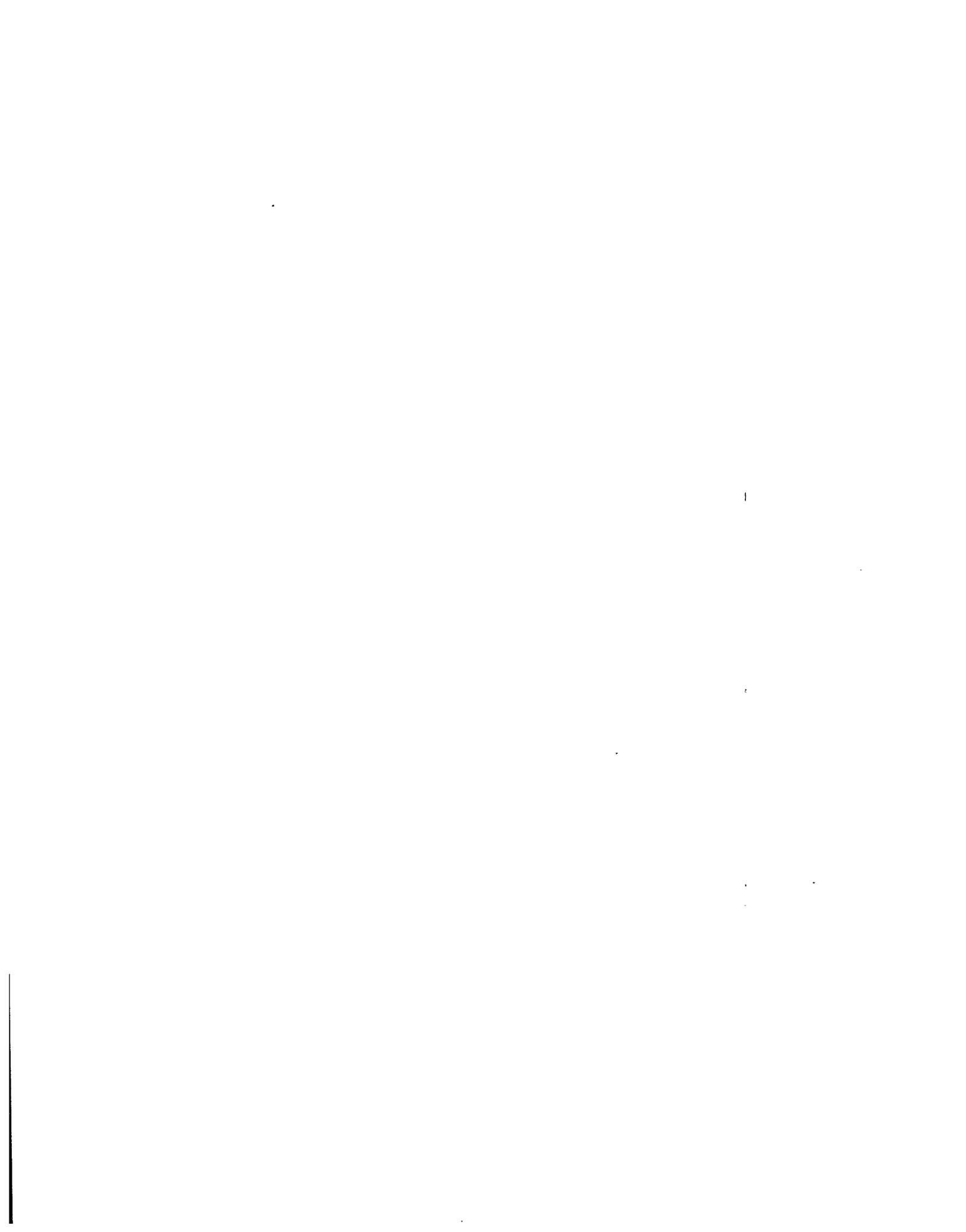
Thanks!  
Jennie for OGC/Ethics  
202-564-3412

---

**From:** FOIA EX6 ;  
**Sent:** Wednesday, December 18, 2013 4:32 PM  
**To:** Keith, Jennie  
**Subject:** Follow up on yesterday's call

Hi Jennie,  
Just wanted to follow up on yesterday's call and remind you to please send me the information I need to be able to make my formal request to be allowed to stay on LOWP status while I start my new job.

Thanks,  
FOIA EX6



**Keith, Jennie**

---

**From:** Keith, Jennie  
**Sent:** Monday, December 23, 2013 6:14 PM  
**To:** FOIA EX6  
**Subject:** RE: Follow up on yesterday's call

Dear EX6

As your Deputy Ethics Official, I approve this outside activity request.

Per our phone conversation, we discussed parameters you'll need to follow (and which you indicated you would).

Two criminal statutes attach to your outside activity: 18 USC 203, 205. These concern representational activities and prohibit you from representing your employer back to the United States Government (except Congress). You indicated that your work could involve representing your employer before the EEOC. You cannot make these representations while you are still employed with the EPA. However, you did not foresee an issue with this as you indicated any work before the EEOC would take place after you separated from the EPA.

While you are a government employee, the Standards of Conduct are still applicable. Significantly, this means that you cannot accept gifts from prohibited sources for the Agency. Briefly, a prohibited source is someone who is regulated by EPA, seeks business from the EPA, or seeks official action from the EPA. Be aware that the gift rules continue to apply until you separate and raise any issues with me.

The only other salient ethics point is that there are post-employment rules that apply after you terminate government service. I have already provided you a link to the OGC/Ethics course, "leaving federal service," and recommend that you review this course and follow up with any questions. As we discussed, I do not foresee many possible situations triggering the post-employment rules, however, please make yourself familiar with 18 USC 207(a)(1). Note, though, that I continue to remain your ethics official even after you leave government service. You may always contact me with any question!

You also have bar rules that apply after you leave government service (Rule 1.11).

Please let me know if you have any questions. Best of luck to you!

Jennie for OGC/Ethics  
202-564-3412

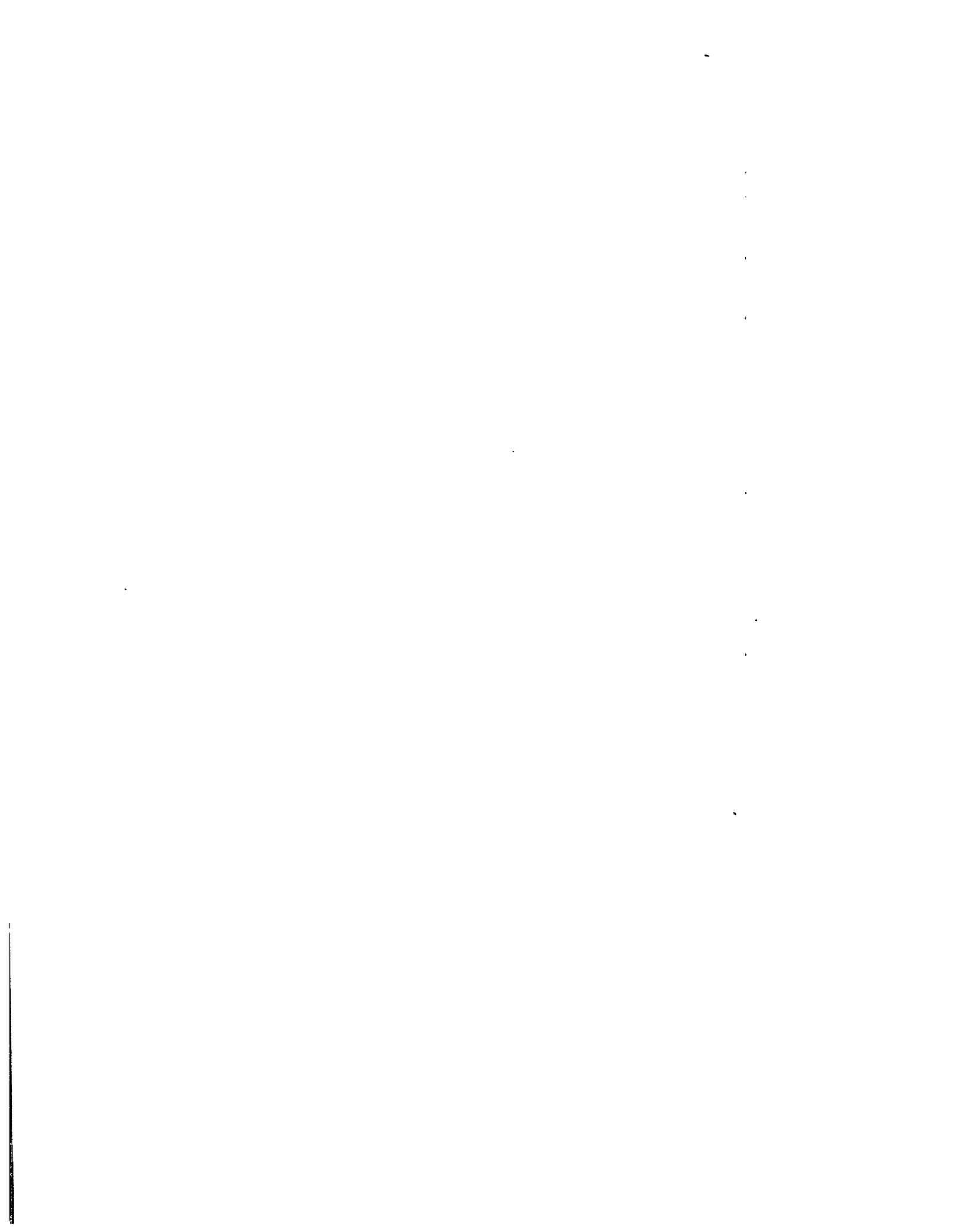
---

**From:** FOIA EX6  
**Sent:** Thursday, December 19, 2013 9:51 AM  
**To:** Keith, Jennie  
**Subject:** RE: Follow up on yesterday's call

Good morning,  
Thank you for the links. Attached please find my written request for outside employment.

best,  
FOIA EX6

---



Because Mr. RLB's outside activity as a Councilor on the RLB Council presents no actual or apparent conflict with his EPA duties, I recommend that this request be approved, provided that he complies with the Standards of Conduct and the above-mentioned conditions. This approval will be valid for a period of five years. If Mr. RLB continues to engage in this outside activity beyond this five year approval period, he should promptly submit a revised approval request to you before his current approval elapses.

Requests for approval to engage in outside employment or other activity are confidential and may not be disclosed without the employee's consent except to his/her immediate supervisor, the Deputy Ethics Official, Designated Agency Ethics Official or his/her alternate, and staff designated to assist them.

Attachments

cc: Nancy Grantham

**Employee Certification**

This is to certify:

1. That no official duty time, government property, resources or facilities not available to the general public will be used in connection with my proposed outside activity;
2. I have read, am familiar with, and will abide by the restrictions described in 5 C.F.R. Part 2635 and Section 6401.102.

11/07/07  
Date

[Signature]  
Signature

3. Mr. *exb* may not use or permit the use of his official title or position to identify himself in connection with the outside activity. He may, however, include or permit the inclusion of his EPA title or position as one of several biographical details when such information is given to identify him, provided that his title or position is given no more prominence than other significant biographical details.
4. Mr. *exb* may not use information obtained as a result of government employment that has not been made available to the general public and would not be made available upon request.
5. Mr. *exb* is prohibited by criminal statute from acting as an agent (communication with intent to influence) on behalf of either the *exb* City Council or the City of *exb* before any Federal Agencies or courts in matters in which the United States is a party or has a direct and substantial interest.
6. Mr. *exb* is prohibited by criminal statute from directly participating in his official capacity as an EPA employee in any matter that he, his spouse, minor child, partner, or outside employer has a financial interest.
7. Similarly, Mr. *exb* must take appropriate steps to avoid an appearance of partiality in the performance of his official duties. Thus, if Mr. *exb* is involved in an EPA matter that could have a direct and predictable effect on the financial interests of a person with whom he has a "covered relationship," and knows that a reasonable person could question his partiality in the matter, he should recuse himself from any participation in the matter or seek authorization to continue his involvement from you.

The definition of the term "covered relationship" includes, among other things, close relatives, persons with whom the employee has or seeks a business, contractual or other financial relationship, and any person for whom the employee has, within the last year, served as a consultant, contractor or employee. 5 C.F.R. § 2635.502 (available at [http://www.usoge.gov/pages/laws\\_regs\\_fedreg\\_stats/oge\\_regs](http://www.usoge.gov/pages/laws_regs_fedreg_stats/oge_regs)).

8. Mr. *exb* must not make use of normal work hours for the intended outside activity. Any time devoted to this activity during normal work hours must be taken as annual leave, compensatory time, or leave without pay, with appropriate approval from his supervisor.
9. Mr. *exb* may not make use of EPA personnel in performing his outside activity.
10. Mr. *exb* may not make use of EPA office space or equipment in performing his outside activity except as provided in the April 2, 2004 EPA Order entitled Policy on Limited Personal Use of Government Office Equipment, Classification No. 2100.3 A1, available at <http://intranet.epa.gov/rmpolicy/ads/orders>.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
ONE CONGRESS STREET SUITE 1100  
BOSTON, MA 02114-2023

MEMORANDUM

DATE: September 27, 2007

SUBJECT: Permission to Engage in Outside Activity for Doug Gutro

FROM: Sharon Wells  
Senior Assistant Regional Counsel

TO: Ira Leighton  
Deputy Ethics Official

CONFIDENTIAL

Attached is a memorandum from EX 6 requesting permission to engage in outside activity as a Councilor on the EX 6 Council. Mr. EX 6 is a Special Assistant to the Regional Administrator.

Mr. EX 6 anticipates that he will engage in this outside activity approximately 15 hours per week outside of his normal duty hours for EPA and will be compensated \$ EX 6 for this outside activity.

I recommend that Mr. EX 6 be permitted to engage in this activity as long as the following conditions are met.

1. Mr. EX 6 must be familiar with the terms of 18 U.S.C. §§ 203, 205 and 208, and the Standards of Ethical Conduct for Employees of the Executive Branch (Standards of Conduct), 5 C.F.R. Part 2635, particularly 5 C.F.R. Part 2635, Subparts G and H (which include Office of Government Ethics misuse of position and outside activity regulations). He must also be familiar with 5 C.F.R. § 6401.103. The relevant statutes and regulations can be found at:

<http://www.usoge.gov>.

Mr. EX 6 should consult with me if any questions of propriety arise and he is unsure of how to resolve these questions in conformity with the above-mentioned statutes and regulations. In addition, if there is a change in the nature or scope of his duties in connection with his outside activity, he should promptly submit a revised request for approval to you, his Deputy Ethics Official.

2. Mr. EX 6 must clearly represent that he is performing the outside activity as a private individual and is not representing EPA or the Federal Government.

5 CFR part 2635 and § 6401.102. No official duty time or government property, resources or facilities not available to the general public will be used in connection with the outside activity/employment.

Agree     Disagree

## Application for Outside Activities

Applicant's Name:  
Thru:

*EX 6*  
SUSAN STUHLIEN

Office: OES

Date Submitted: 02/03/2010  
Status:

Pending  Rejected  
 Concurred  Withdrawn  
 Approved  Other

Status Date: 07/22/2010

Application Memo: <---- Attach Memo

Expiration: 07/22/2015

Conditions Memo:

*EX 6*  Conditions Memo.pdf <---- Attach Memo

Approval Memo:

*EX 6*  Approval.pdf <---- Attach Memo

Please answer all questions:

Enter your current Job Description: I am an enforcement attorney in OES, handling cleanup and regulatory enforcement matters.

1. Nature of the outside activity/employment, including a full description of the services to be performed:  
I've been asked to be on the Board of the *EX 6* Institute. Board members would set direction for the institute.
2. Amount of compensation expected, if any:  
none.
3. Name and business of the person or organization for which the work will be done (if you will be self-employed, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months):  
*Exemption 6*
4. Estimated time to be devoted to the activity:  
minimal time week to week, but with 1-2 times a year a day or two.
5. Indicate whether the service will be performed entirely outside of normal duty hours; if not, estimate the number of hours of absence from work required:  
outside of work hours, or else I'll take leave.
6. If the outside activity/employment will include consulting or professional services to institutions which have or may seek federal assistance agreements or contracts, please note the assistance agreements or contracts involved. Include full details of any service which involves preparing grant applications, contract proposals or program reports. Indicate the basis for compensation (e.g. fee, per diem, per annum, etc.):  
The institute does apply for grants. They have had EPA env. education grants in the past, and are applying for a NOAA grant currently. I do not know of any service by me with respect to such grants.
7. Describe the basis for compensation (e.g., fee, per diem, per annum, etc.)  
n/a
8. Employee Statement:  
I have read, am familiar with, and will abide by the restrictions described in

April 17, 2014

Susan E. Bromm, Director  
Office of Federal Activities/OECA  
Deputy Ethics Officer

Dear Susan,

I would like to submit a request for approval for an outside activity, specifically the development and teaching of graduate-level environmental policy courses at [FOIA Ex 6] University. The following information, as required by the Office of General Counsel, is provided for your consideration:

- Requestor: [FOIA Ex. 6], Environmental Protection Specialist, GS 15
- Description of activity: development and teaching of graduate courses in environmental policy; compensation is expected to be approximately \$5,000/per semester/per course.
- Name of organization: [FOIA Ex. 6]
- Timeframe: Start April 21, 2014 – ongoing as needed (maximum duration: 5 years)
- All activities will be conducted outside work hours.
- No official duty time or Government property, resources, or facilities available to the general public will be used in connection with the outside employment.
- The basis for the compensation is payment on a per semester basis. No additional fees, per diem or payments are anticipated.
- I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations).
- I am not aware of any EPA assistance agreements or contracts held by Johns Hopkins University.

I thank you for your consideration of this request.

Sincerely,

FOIA Ex. 6

[FOIA Ex. 6]

International Compliance Assurance Division  
Office of Federal Activities/OECA

Approval: Susan E Bromm

Susan E. Bromm, Director

APP 2014

\_\_\_\_\_  
Date

APR 22 1998

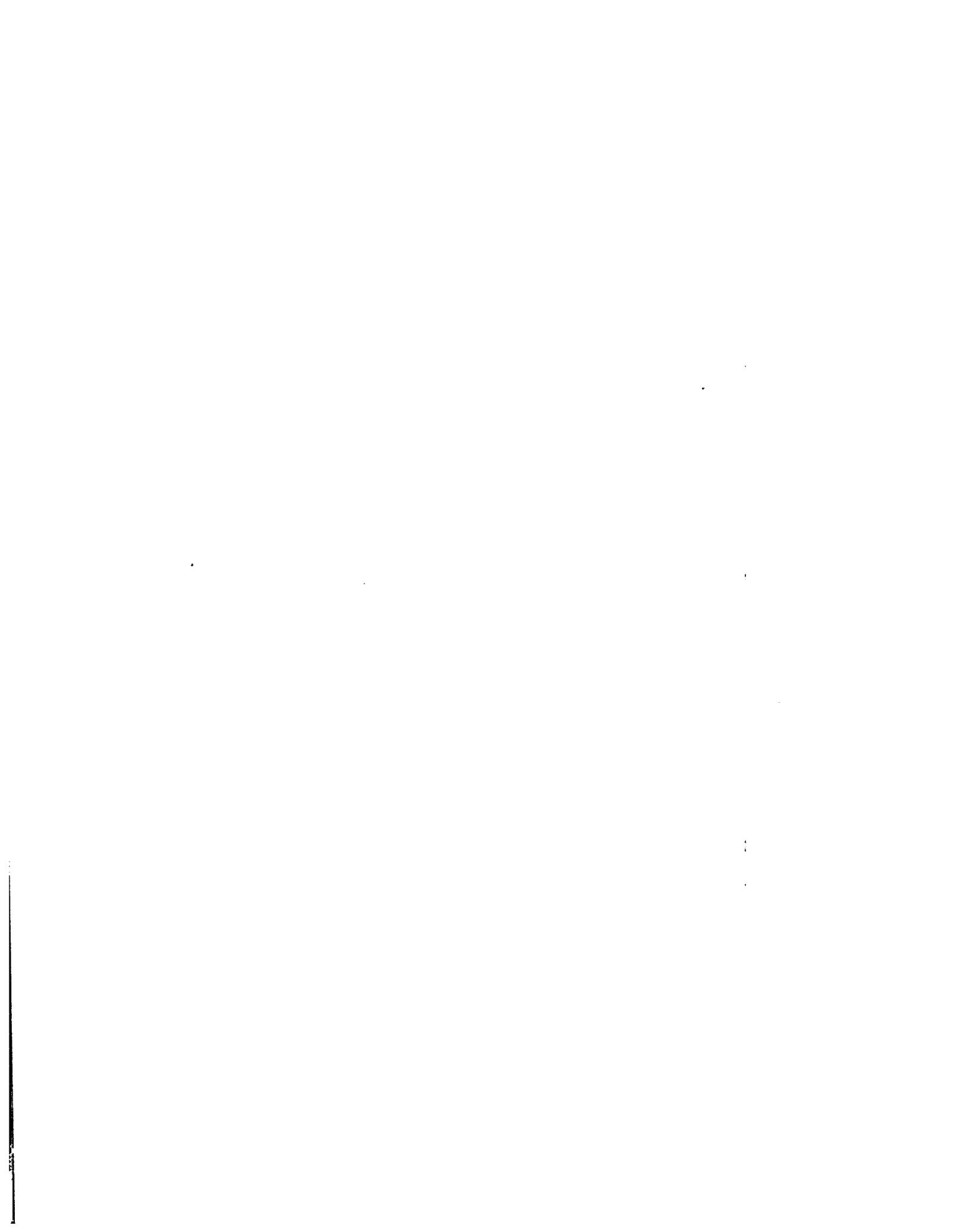
**MEMORANDUM**

SUBJECT: Approval of Outside Employment for [FOIA Ex. 6]  
TO: [FOIA Ex. 6]  
FROM: Susan E. Bromm, Director *Susan E. Bromm*  
Office of Federal Activities as Deputy Ethics Official

The purpose of this memorandum is to notify you of the approval of your request for outside employment for teaching graduate-level environmental policy courses at [FOIA Ex. 6] University.

5 CFR 2635.807(a)(3) permits an employee to accept compensation for teaching a course requiring multiple presentations by the employee as long as it is part of a regular established curriculum at an institution of higher education. Therefore, I have made the determination that your outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635 and 5 CFR 6401.102.

If there is a change in the nature or scope of your duties or services performed or the nature of your business, you must submit a revised request for approval. In addition, this approved request is valid only for five years, as of the date of this memorandum. If you transfer to an organization for which a different Deputy Ethics Official has responsibility, you must obtain approval from that new Deputy Ethics Official.





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
ONE CONGRESS STREET SUITE 1100  
BOSTON, MA 02114-2023**

**MEMORANDUM**

**DATE:** November 7, 2005

**SUBJ:** Permission to Engage in Outside Activities

**FROM:** Ira W. Leighton  
Deputy Ethics Official

**TO:** [FOIA Ex. 6]  
Chief, RCRA Enforcement Unit

**CONFIDENTIAL**

Pursuant to 5 C.F.R. § 6401.103, I have reviewed your request for permission to engage in outside activities as an alternate member of the Ex 6 Zoning Board of Adjustment and the Ex 6 Historic Planning Commission. You anticipate that you will engage in these outside activities one to four hours per month outside of your normal duty hours for EPA. You will not be compensated for your work as a Zoning Board and Commission member.

I find that your participation in these outside activities creates neither an actual conflict of interest nor the appearance of a conflict of interest, provided you comply with the attached memorandum from LeAnn Jensen, Senior Assistant Regional Counsel. Accordingly, your request is approved. This approval is valid for five years from the date of my approval. If, however, there is a change in the nature or scope of the duties or services performed or the nature of your business, you must submit a revised request to your Deputy Ethics Official.

If you have any further questions regarding this matter, please contact Ms. Jensen at (617) 918-1072.

**Attachments**

cc: Joanna Jerison, Enforcement Chief, OES

Conduct and to avoid violations of Federal law. In evaluating the applicability of the Standards of Ethical Conduct to your activities, please be aware that while you are seeking or otherwise discussing the possibility or the terms of providing legal consultation and advice to a potential client, you are engaged in seeking employment with that client within the meaning of 40 C.F.R. Part 2635, Subpart F, and the rather stringent recusal requirements of Subpart F apply during your discussions. You should also be aware that the EPA Policy on Limited Personal Use of Government Office Equipment specifically provides that employees must not use government office equipment for activities that are inappropriate, and the policy identifies the use of government office equipment for commercial purposes or in support of other "for profit" activities such as outside employment or businesses as an inappropriate activity. Finally, in course of our discussions of your request, I have made you aware the provisions of 18 U.S.C. §§ 203 and 205 and your responsibility to avoid violating the restrictions they place on the activities of federal employees.

I find that your requested outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR Part 2635 and 5 CFR § 6401.102, and, pursuant to 5 CFR § 6401.103, your request is approved. This approval does not include authorization to provide services to persons or organizations who have EPA contracts or assistance agreements. Please note that this approval does not constitute a defense if your actual activities violate the Standards of Ethical Conduct or other Federal law. If there is a change in the nature or scope of the duties or services you will perform or the nature of your business, you must submit a revised request for approval. If you transfer to an organization for which a different Deputy Ethics Official has responsibility, you must obtain approval from the new Deputy Ethics Official. This approval is valid for five years.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733

October 2, 2008

**MEMORANDUM**

**SUBJECT:** Your Request for Approval of Outside Activity

**FROM:** Michael C. Barra *MCB*  
Deputy Ethics Official (6RC-D)

**TO:**  
Assistant Regional Counsel (6RC-EA)

This is in response to your written request for approval for outside activity originally submitted on July 21, 2008. In your original request you sought approval to engage in providing legal consultation and advice relating solely to the Immigration and Naturalization Act and indicated that you would receive no compensation for your work. In subsequent conversations and email, you have expanded your request to include providing legal consultation and advice relating to Federal laws and indicated that you may be compensated for your services. You will make no administrative or judicial appearances in the course of your work. You expect to spend approximately 10 hours per week on this activity. All of your work on this activity will be performed outside your normal EPA duty hours. You state that in accordance with the EPA "de minimis use policy" no official time or Government property, resources, or facilities not available to the general public will be used in the course of your outside activity. You indicate that you have read and will abide by the restrictions described in 5 C.F.R. Part 2635 and 5 C.F.R. § 6401.102. You also indicate that services will not be performed for any person holding EPA assistance agreement or contracts.

Based on our telephone conversation on August 26, 2008, it is my understanding that you do not intend to provide your services through a particular business office or charity, but that you meet individuals or business people in a variety of settings who may seek your advice and counsel regarding federal law matters. It is also my understanding that your wife operates a solo law practice which includes advising and representing clients in immigration law matters. As requested, you provide legal advice and counsel to your wife or her clients in connection with her law practice, but you will make no representational appearance in the course of your providing legal advice and/or counsel.

Your current position with EPA is as an attorney representing the Agency in administrative and judicial regulatory enforcement actions. Given the broad scope of your proposed outside activities and the nature and scope of your duties at EPA, it will be essential for you to continuously monitor your activities to maintain compliance with the Standards of Ethical

Service will be performed outside of normal duty hours or while in leave status.

- (6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used.

affirm that will not use official duty time or Government property, resources, or facilities that are not available to the general public.

- (7) The basis for compensation (e.g., fee, per diem, per annum, etc.)

These positions are not compensated.

- (8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 FR part 2635 and 5 CFR 6401.102.

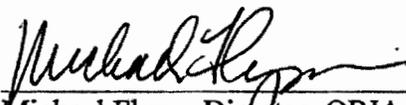
I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 5 CFR 6401.102

- (9) An identification of any EPA assistance agreements for contracts held by a person to or for whom service would be provided.

The *EX 6*, and *EX 6* do not hold any EPA assistance agreements or contracts. The *EX 6* does hold Annual and Midyear meetings which require tuition. Training classes are offered at a cost. EPA, other government agencies, and private entities may send its employees to these courses and enter into contract arrangements to pay for the training/tuition fees.

\_\_\_\_\_  
Approved

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Michael Flynn, Director, ORIA

\_\_\_\_\_  
Disapproved

\_\_\_\_\_  
Date

\_\_\_\_\_  
Michael Flynn, Director, ORIA

May 18, 2011

*the large ORIA pjo  
10/22/11*

**MEMORANDUM**

SUBJECT: Request for Outside Employment Approval

FROM: EX 6, Health Physicist

THRU: fj Jonathan Edwards Et:ctor, Radiation Protection Division

and

Gina Costantino, Director *t,)* **G**  
Program Management Office / •  
Office of Radiation and Indoor Air (66011)

TO: Michael Flynn, Director  
Office of Radiation and Indoor Air (6601J)

Per the requirement of 5 CFR Part 6401, I am requesting approval for outside employment. I have included all information as required by this regulation.

(1) Employee's name, title and grade.

EX 6, Health Physicist, GS-14

(2) Nature of the activity and the amount of compensation expected.

- a) Committee Chair. Volunteer, not compensated.
- b) Committee Member Exam Site Committee. Volunteer, not compensated

(3) The name & business of the person/organization for which the work will be done.

- a) EX 6 non-profit.
- b) EX 6, non-profit.

(4) The estimated time to be devoted to the activity:

- a) 2 – 5 hours per month
- b) 5 hours per month from April through June.

(5) Whether the service will be performed entirely outside of normal duty hours.

Service will be performed outside of normal duty hours or while in leave status.

- (6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used.

I affirm that I will not use official duty time or Government property, resources, or facilities that are not available to the general public.

- (7) The basis for compensation (e.g., fee, per diem, per annum, etc.)

These positions are not compensated.

- (8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 5 CFR 6401.102.

I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 5 CFR 6401.102

- (9) An identification of any EPA assistance agreements for contracts held by a person to or for whom service would be provided.

The ~~EX 6~~ and ~~EX 6~~ do not hold any EPA assistance agreements or contracts. The ~~EX 6~~ does hold Annual and Midyear meetings which require tuition. Training classes are offered at a cost. EPA, other government agencies, and private entities may send its employees to these courses and enter into contract arrangements to pay for the training/tuition fees.

✓      5/19/11      Michael Flynn  
Approved      Date      Michael Flynn, Director, ORIA

\_\_\_\_\_  
Disapproved      Date      Michael Flynn, Director, ORIA

May 18, 2011

*No longer ORIA 2/6  
10/22/11*

**MEMORANDUM**

SUBJECT: Request for Outside Employment Approval

FROM: EX 6, Health Physicist

THRU: *for* Jonathan Edwards, *ADP* Director, Radiation Protection Division

and

Gina Costantino, Director *YC*  
Program Management Office  
Office of Radiation and Indoor Air (6601J)

TO: Michael Flynn, Director  
Office of Radiation and Indoor Air (6601J)

Per the requirement of 5 CFR Part 6401, I am requesting approval for outside employment. I have included all information as required by this regulation.

(1) Employee's name, title and grade.

EX 6, Health Physicist, GS-14

(2) Nature of the activity and the amount of compensation expected.

- a) Committee Chair. Volunteer, not compensated.
- b) Committee Member Exam Site Committee. Volunteer, not compensated

(3) The name & business of the person/organization for which the work will be done.

- a) EX 6 non-profit.
- b) EX 6 Society, non-profit.

(4) The estimated time to be devoted to the activity:

- a) 2 - 5 hours per month
- b) 5 hours per month from April through June.

(5) Whether the service will be performed entirely outside of normal duty hours.

- (4) The estimated time to be devoted to the activity.
- Ex 6* - between 1 - 15 hours a week
  - Ex 6* - 1-2 hours a month unless activated to support an event.
- (5) Whether the service will be performed entirely outside of normal duty hours.  
All work for both activities will be done outside of normal duty hours.
- (6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used.  
No official duty time or EPA Governmental property, resources or facilities not available to the public will be used.
- (7) The basis for compensation (e.g., fee, per diem, per annum, etc.)  
Only one activity is fee based, the other is volunteer.
- (8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 5 CFR 6401.102.  
I have read and am familiar with 5 CFR part 2635 and 6401.102.
- (9) An identification of any EPA assistance agreements for contracts held by a person to or for whom service would be provided.  
None.

Approved      5/16/11 Date      Michael Flynn Michael Flynn, Director, ORIA

Disapproved      \_\_\_\_\_ Date      \_\_\_\_\_ Michael Flynn, Director, ORIA

Date: 17 February 2011

**MEMORANDUM**

SUBJECT: Request for Outside Employment Approval

FROM: Exemption 6  
IRM/ADP Coordinator

THRU: *for* Ronald G. Fraass   
Director, National Air and Radiation  
Environmental Laboratory

and

Gina Costantino, Director  
Program Management Office  
Office of Radiation and Indoor Air (6601J)

TO: Michael Flynn, Director  
Office of Radiation and Indoor Air (6601J)

Per the requirement of 5 CFR Part 6401, I am requesting approval for outside employment. I have included all information as required by this regulation.

- (1) Employee's name, title and grade:  
EX 6 IRM/ADP Coordinator, GS-14.
- (2) Nature of the activity and the amount of compensation expected.
  - a. Consulting for computers to local business and officiating at local sporting events, hourly rate of compensation and set fee, estimated amount of less than \$EX 6 per year.
  - b. Community volunteer work, as needed, compensation is a feeling of satisfaction
- (3) The name & business of the person/organization for which the work will be done.
  - a. EX 6 myself, EX 6 Athletic Association, and Amateur Softball Association
  - b. EX 6 Community Emergency Response Team (CERT) Volunteer and Council Member.

- (5) Whether the service will be performed entirely outside of normal duty hours.

Yes, the service will be performed entirely outside of normal duty hours.  
The classes are all night classes

- (6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used.

No official duty time or Government property, resources or facilities not available to the general public will be used

- (7) The basis for compensation (e.g., fee, per diem, per annum, etc.)

Fee for each class taught

- (8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 5 CFR 6401.102.

I have read and will abide by the restrictions described in 5 CFR part 2635 and 5 CFR 6401.102

- (9) An identification of any EPA assistance agreements for contracts held by a person to or for whom service would be provided.

There are no EPA assistance agreements involved..

✓      5/17/11      Michael Flynn  
Approved      Date      Michael Flynn, Director, ORIA

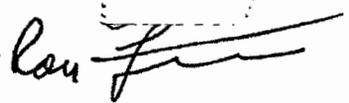
\_\_\_\_\_  
Disapproved      Date      Michael Flynn, Director, ORIA

January 27, 2011

**MEMORANDUM**

SUBJECT: Request for Outside Employment Approval

FROM: EX 6, Center Director CERLS: EX 6

THRU: Ron Fraass, Director, NAREL 

and

Gina Costantino, Director  
Program Management Office  
Office of Radiation and Indoor Air (6601J)

TO: Michael Flynn, Director  
Office of Radiation and Indoor Air (6601J)

Per the requirement of 5 CFR Part 6401, I am requesting approval for outside employment. I have included all information as required by this regulation.

(1) Employee's name, title and grade

EX 6, Center Director, GS-15

(2) Nature of the activity and the amount of compensation expected.

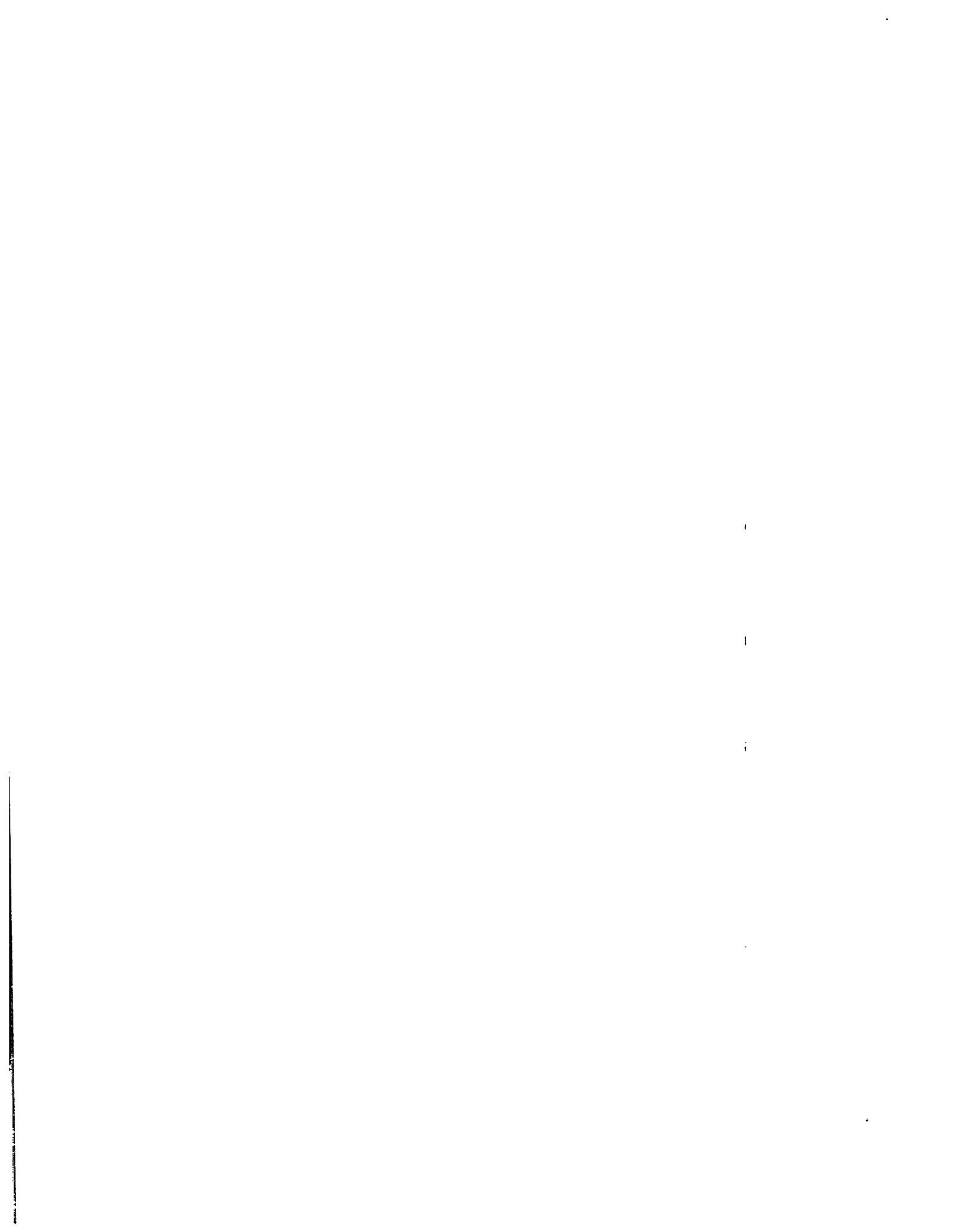
Teaching chemistry at a local university. Approximately \$ EX 6 per class.

(3) The name & business of the person/organization for which the work will be done

EX 6

(4) The estimated time to be devoted to the activity.

Approximately 10 hours per week





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF RADIATION AND INDOOR AIR  
National Air and Radiation Environmental Laboratory  
540 South Morris Avenue, Montgomery, AL 36115-2601  
(334) 270-3400

July 6, 2004

MEMORANDUM

SUBJECT: Request for Outside Employment

FROM: EX 6, Chief EX 6  
Monitoring and Analytical Services Branch

TO: Elizabeth A. Cotsworth, Director  
Office of Radiation and Indoor Air (6601J)

The purpose of this memo is to request Outside Employment. My position in EPA is Branch Chief of the Monitoring and Analytical Services Branch at ORIA's National Air and Radiation Environmental Laboratory, and I am a GS-15 level employee.

The outside employment would involve teaching chemistry classes at EX 6 e  
EX 6 which is a local university in EX 6. I would teach  
classes in the evening well outside of my normal work hours, and all services related to this  
request for outside employment will be performed entirely outside of normal duty hours. No  
official duty time or government property, resources, or facilities not available to the general  
public will be used. The basis for compensation will be a fee for teaching for each class taught.  
The estimated time to be devoted to this activity is 6 hours per week. There are no EPA  
assistance agreements for contracts held by a person to or for whom services would be provided.  
I have read and will abide by the restrictions described in 5 CFR Part 2635 and 5 CRF 6401.102.

I appreciate your consideration of this request.

Approved:

Elizabeth A. Cotsworth  
Elizabeth A. Cotsworth

Date:

7/8/04

cc: Gina Costantino (6601J)  
Edwin L. Sensintaffar, NAREL

(4) The estimated time to be devoted to the activities:

8 hours per month

(5) Whether the service will be performed entirely outside of normal duty hours.

- a) Services will be performed outside of normal duty hours or while in leave status.
- b) Meetings of the ~~PL~~ International Collaboration Committee may be held in conjunction with ~~PL~~ Annual Meetings, which I may be attending in duty status. Additional activities will be outside normal duty hours.

(6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used.

Use of official duty time or Government property, resources, or facilities not available to the general public will be in accordance with EPA policies for such use.

(7) The basis for compensation (e.g., fee, per diem, per annum, etc.)

The position is not compensated.

(8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 5 CFR 6401.102.

I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and 5 CFR 6401.102

(9) An identification of any EPA assistance agreements for contracts held by a person to or for whom service would be provided.

The HPS does not hold any EPA assistance agreements or contracts.

✓  
Approved

9/19/12  
Date

Exemption 6  
Mike Flynn, Director, ORIA

Disapproved

Date

Mike Flynn, Director, ORIA

August 31, 2012

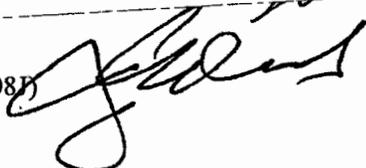
**MEMORANDUM**

SUBJECT: Request for Outside Employment Approval

FROM: ex 6 Health Physicist

EXEMPTION 6

THRU: Jonathan Edwards, Director  
Radiation Protection Division (6608J)



and

Cynthia Simbanin, Acting Director  
Program Management Office (6601J)



TO: Mike Flynn, Director  
Office of Radiation and Indoor Air (6601J)

I have been asked by the incoming President of the ex 6 to serve as the Chair of the ex 6 or a period of 3 years beginning July 25, 2012. This 9 member committee advises the ex 6 Officers and Board of Directors on international activities related to radiation protection and works to strengthen ties between the HPS and other international radiation protection societies and advisory organizations. A description of the committee's activities and the ex 6 rule that defines its scope of operations are attached.

I have served in several other capacities within the ex 6 and just this year completed a 3 year term on the Board of its Environment and Radon Section. I do not foresee any ethical conflicts arising from my serving as the ex 6 Chair. The outgoing Chair is ex 6 from Sandia National Laboratory and ex 6 the incoming ex 6 President, is an employee of the U.S. Centers for Disease Control and Prevention. These examples highlight the strong precedent for federal involvement with the society.

Per the requirement of 5 CFR Part 6401, I am requesting approval for outside employment. I have included all information as required by this regulation.

(1) Employee's name, title and grade:

ex 6 Health Physicist, GS-15

(2) Nature of the activity and the amount of compensation expected.

Chair of the ex 6 International Collaboration Committee  
No compensation expected

(3) The name & business of the person/organization for which the work will be done.

ex 6 which is a 501(c)(3) professional non-profit organization incorporated in the Commonwealth of Virginia.

EPA Office of General Counsel  
Tel. 202- ~~564-5541~~ *FOIA Exp*  
Fax 202-564-5541

**Fw: Administrator to serve: School of Science and Engineering Board of Advisors**

Jennie Keith to: Daniel Kanninen  
Cc: Justina Fugh

10/24/2011 07:24 PM

Evening Dan,

Justina had mentioned to me earlier today that you would also reach out to the White House concerning Administrator Jackson's request about ~~EXL~~. I was able to reach the White House tonight and learned that she will not be able to do this activity so there is no more need for further follow up.

Thanks!  
Jennie for OGC/Ethics  
202-564-3412

----- Forwarded by Jennie Keith/DC/USEPA/US on 10/24/2011 07:19 PM -----

From: Jennie Keith/DC/USEPA/US  
To: Elizabeth Ashwell/DC/USEPA/US@EPA  
Cc: Jose Lozano/DC/USEPA/US@EPA, Justina Fugh/DC/USEPA/US@EPA  
Date: 10/24/2011 07:19 PM  
Subject: Fw: Administrator to serve: School of Science and Engineering Board of Advisors

---

Evening Elizabeth,

I was able to get in touch with the White House Ethics Office this evening. The WH policy still stands and she confirmed that it does not allow its PASers to sit on outside boards even advisory ones like this one. At this time, Ms. Jackson will not be able to accept this request. I'm sorry for the delay on this - in addition to my absence the last two weeks, the ethics contact at the WH was moving offices.

Thank you for your patience,  
Jennie for OGC/Ethics  
202-564-3412

----- Forwarded by Jennie Keith/DC/USEPA/US on 10/24/2011 07:14 PM -----

From: Jennie Keith/DC/USEPA/US  
To: Elizabeth Ashwell/DC/USEPA/US@EPA, Justina Fugh/DC/USEPA/US@EPA  
Cc: Jose Lozano/DC/USEPA/US@EPA  
Date: 10/12/2011 05:23 PM  
Subject: Re: Fw: Administrator to serve: School of Science and Engineering Board of Advisors

---

Hi there,

We are checking with the White House to learn if they would seriously consider this request. I learned from OGE that the WH does consider outside activity requests for a very narrow number of activities. Based on Ms. Jackson's request, OGE recommended following up with the WH directly. We have reached out, but have not heard back. Justina is picking the ball up on this during my absence.  
Thanks! Jennie

Elizabeth Ashwell

----- Original Message -----

From: Elizabeth Ashwell

**Fw: Administrator to serve: School of Science and Engineering Board of Advisors**

Jennie Keith to: Elizabeth Ashwell

10/24/2011 07:19 PM

Cc: Jose Lozano, Justina Fugh

Bcc: Jennie Keith

Evening Elizabeth,

I was able to get in touch with the White House Ethics Office this evening. The WH policy still stands and she confirmed that it does not allow its PASers to sit on outside boards even advisory ones like this one. At this time, Ms. Jackson will not be able to accept this request. I'm sorry for the delay on this - in addition to my absence the last two weeks, the ethics contact at the WH was moving offices.

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Jennie for OGC/Ethics  
202-564-3412

----- Forwarded by Jennie Keith/DC/USEPA/US on 10/24/2011 07:14 PM -----

From: Jennie Keith/DC/USEPA/US  
To: Elizabeth Ashwell/DC/USEPA/US@EPA, Justina Fugh/DC/USEPA/US@EPA  
Cc: Jose Lozano/DC/USEPA/US@EPA  
Date: 10/12/2011 05:23 PM  
Subject: Re: Fw: Administrator to serve: School of Science and Engineering Board of Advisors

---

Hi there,

We are checking with the White House to learn if they would seriously consider this request. I learned from OGE that the WH does consider outside activity requests for a very narrow number of activities. Based on Ms. Jackson's request, OGE recommended following up with the WH directly. We have reached out, but have not heard back. Justina is picking the ball up on this during my absence.  
Thanks! Jennie

Elizabeth Ashwell

----- Original Message -----

From: Elizabeth Ashwell  
Sent: 10/12/2011 04:56 PM EDT  
To: Jennie Keith; Justina Fugh  
Cc: Jose Lozano

Subject: Re: Fw: Administrator to serve: School of Science and Engineering Board of Advisors

Hi Jennie and Justina-

I am just following up to see if you've had any progress in working w/ the WH to find out what else is required in order for the Administrator to serve on the *AB* Board of Advisors for the School of Science & Engineering. Pls let me know thanks

Elizabeth Ashwell Pls see below--she would like to start the proces...

09/30/2011 06:30:44 PM

From: Elizabeth Ashwell/DC/USEPA/US  
To: Jennie Keith/DC/USEPA/US@EPA, Justina Fugh/DC/USEPA/US@EPA  
Cc: Jose Lozano/DC/USEPA/US@EPA  
Date: 09/30/2011 06:30 PM  
Subject: Fw: Administrator to serve: School of Science and Engineering Board of Advisors

---

Pls see below--she would like to start the process of softly checking w the WH for her ability to join the  
**EX 6** Bd of Advisors for the School of Science & Engineering. I can connect you w the school folks if  
you need additional info directly from them. Thank you

----- Forwarded by Elizabeth Ashwell/DC/USEPA/US on 09/30/2011 06:29 PM -----

From: **EX 6**  
To: Elizabeth Ashwell/DC/USEPA/US@EPA  
Date: 09/30/2011 11:53 AM  
Subject: Re: Administrator to serve: School of Science and Engineering Board of Advisors

---

Please have then do a "soft check" w WH.  
Sent from my Verizon Wireless BlackBerry

-----Original Message-----

From: Ashwell.Elizabeth@epamail.epa.gov  
Date: Wed, 28 Sep 2011 18:39:01  
To: **EX 6**  
Subject: Fw: Administrator to serve: School of Science and Engineering Board  
of  
Advisors

Pls see below from OGC re: serving on **EX 6** Bd of Advisors for the  
Science & Engineering School. Let me know if you want me to continue to  
explore/find out who at the WH we need to talk with to move this  
forward.

----- Forwarded by Elizabeth Ashwell/DC/USEPA/US on 09/28/2011 06:37 PM  
-----

From: Jennie Keith/DC/USEPA/US  
To: Elizabeth Ashwell/DC/USEPA/US@EPA  
Cc: Justina Fugh/DC/USEPA/US@EPA, Jennie Keith/DC/USEPA/US@EPA  
Date: 09/27/2011 03:37 PM  
Subject: Re: Administrator to serve: School of Science and  
Engineering Board of Advisors

Elizabeth,

Before Ms. Jackson can commit to this personal activity, she needs  
permission from the White House. Based on the policies of several  
Administrations, she is not likely to receive it.

Here is more background. When full-time PAS employees (presidentially  
appointed, Senate confirmed) enter government service, traditionally and  
as a condition of service to the President, these employees give up all  
outside activities - it has not mattered whether they are voluntary or  
not. The thinking behind this is that the President's appointees are on  
duty 24 hours. Outside activities, even regular volunteer service,  
conflict with the idea that they are on duty at all times. Similarly,  
presidents do not want anything to distract their employees from their  
government jobs. Therefore, the default position through  
Administrations is for PAS employees not to have any outside activities.

OGC/Ethics take on this invitation is that this is a personal activity  
for Ms. Jackson. For her to undertake this commitment, she would need  
permission from the White House Ethics Office - OGC/Ethics would

facilitate this process. In my own experience (in my previous job at the Office of Government Ethics), I have not seen many full-time PAS employees' requests granted. However, at the end of the Bush Administration, the White House did consider requests from their appointees and, depending on the activity and the appointee's position, did permit some of their appointees to have outside activities. There was a form and process to consider the request. I have yet to hear whether the Obama Administration considers these types of requests. However, if Ms. Jackson would like to pursue this, OGC/Ethics will coordinate and initiate this process as it will involve both the Office of Government Ethics and the White House Ethics Office.

Please let me know what you'd like to do.

Thanks!  
Jennie for OGC/Ethics  
202-564-3412

From: Elizabeth Ashwell/DC/USEPA/US  
To: Jennie Keith/DC/USEPA/US@EPA  
Cc: Justina Fugh/DC/USEPA/US@EPA  
Date: 09/27/2011 12:30 PM  
Subject: Administrator to serve: School of Science and Engineering Board of Advisors

Hi--

The Administrator has been invited and would like to serve on the School of Science & Engineering Board of Advisors. Pls provide guidance if there are any ethical concerns and/or if you need more info from me/the folks at *EXB*. Thx:

Information on the SSE Board can be found at <http://www.oxb.edu/sse/about/board/membership.cfm> and the link to the Board "Webcollab" can be found at left hand side of that page. The login-in would be Administrator Jackson's last name and the password is *EXB*. I will make sure that her id is activated so that she can have access. There she will find past Board minutes as well as information on all Board activities. I would be happy to discuss this with her at any time. My schedule over the next two weeks is very full but I can be reached on my cell at *EXB*. Also, if you would like to give me a few possible times, I would be happy to arrange to be available to speak to her at a time that is convenient for her. I very much appreciate her willingness to consider serving on the Board of Advisors and I am looking forward to hearing from her.

[attachment "SSE BoA Mtg 10-21-11 - AGENDA - UPDATED (9-11).pdf" deleted by Jennie Keith/DC/USEPA/US]

----- Original Message -----

From: *EXB*  
Sent: 09/26/2011 03:08 PM EST  
To: Elizabeth Ashwell  
Cc: "*EXB*"  
Subject: School of Science and Engineering Board of Advisors - board web collab & fall meeting agenda

Dear Ms. Ashwell:

We are delighted to know that Administrator Jackson is considering Dean ~~EXB~~ invitation to join the ~~EXB~~ School of Science and Engineering Board of Advisors and hope that she will accept the invitation.

If her decision is to become a member, the next SSE Board meeting will be held on Friday, October 21, 2011. For her information, please find a copy of the meeting agenda and surrounding activities in the attached file.

Administrator Jackson's account for the Board Web Collab has been established and can be accessed immediately. If you have any problems accessing or navigating the site, please do not hesitate to contact me.

Best regards,

~~EXB~~  
\*\*\*\*\*  
~~EXB~~  
Program Manager  
~~EXB~~ University  
School of Science and Engineering  
Office of the Dean, ~~EXB~~  
E-mail: ~~EXB~~  
Telephone: ~~EXB~~  
Fax: ~~EXB~~

"Learn from yesterday, live for today, and hope for tomorrow.  
The important thing is to not stop questioning."  
Albert Einstein

\*\*\*\*\*  
-----Original Message-----

From: ~~EXB~~  
Sent: Monday, September 26, 2011 2:32 PM  
To: Ashwell.Elizabeth@epamail.epa.gov  
Cc: ~~EXB~~  
Subject: RE: School of Science and Engineering Board of Advisors

Information on the SSE Board can be found at  
[http://~~EXB~~edu/sse/about/board/membership.cfm](http://<del>EXB</del>edu/sse/about/board/membership.cfm) and the link to the  
Board "Webcollab" can be found at left hand side of that page. The  
login-in would be Administrator Jackson's last name and the password is  
~~EXB~~ I will make sure that her id is activated so that she can have  
access. There she will find past Board minutes as well as information  
on all Board activities. I would be happy to discuss this with her at  
any time. My schedule over the next two weeks is very full but I can be  
reached on my cell at ~~EXB~~ Also, if you would like to give me  
a few possible times, I would be happy to arrange to be available to  
speak to her at a time that is convenient for her. I very much  
appreciate her willingness to consider serving on the Board of Advisors  
and I am looking forward to hearing from her.

---

From: Ashwell.Elizabeth@epamail.epa.gov  
[mailto:Ashwell.Elizabeth@epamail.epa.gov]

Sent: Monday, September 26, 2011 2:11 PM

To: **EXB**

Subject: Re: Fw: School of Science and Engineering Board of Advisors

Mr. **EXB**

Thank you very much for contacting Administrator Jackson about serving on the Board of Advisors for the **EXB** School of Science and Engineering. I realize you sent the email below over the summer, and apologize for the slow response we've had in getting back to you. Please let me know if you can provide me with the details to access the 'Board Webcollab' section of the website. Also, please let me know if you're available in the next two weeks to speak with Ms. Jackson if she has additional questions.

Thanks in advance-  
EA

Elizabeth Ashwell  
Director of Scheduling & Advance  
Office of the Administrator | US EPA  
Phone: 202-564-1008

---

Date 06/20/2011 11:40 AM

From ' **EXB**

To Lisa P Jackson/DC/USEPA/US@EPA

Subject School of Science and Engineering Board of Advisors

Dear Lisa :

I am writing to ask if you would be willing to consider a three-year term on the School of Science and Engineering Board of Advisors. I think that you would be an excellent addition to the Board and would be happy to give you a call sometime this week to discuss further. The three-year term would run from July 1 2011 through June 30, 2014.

Information about the Board can be found at <http://www.us.edu/sse/about/board/membership.cfm> and, if you would like more detail, I could supply you with access to the "Board Webcollab" section that includes minutes of all past Board and committee meetings as well as other information that has been distributed to and developed by the Board and Board committees.

Some additional details:

\* Each Board member serves a 3-year term. To be eligible for re-appointment, it is expected that the member attend 3 of the 6 semi-annual meetings held during her/his term either in person or via conference call.

\* Board meetings are held in October (on the Friday of Homecoming weekend) and April (on the Friday of French Quarter Fest). This coming year, those dates would be October 21 and April 13. There are many other great programs and events scheduled at those times, including Board/alumni receptions on the respective Thursday evenings.

\* Each Board member serves on one of 6 Board committees. These are Alumni Relations, Development, Doctoral Education and Research, K-12 STEM Education, Technology Transfer and Business Development, and Undergraduate Experience. Committees meet at break-out sessions the days of the Board meetings and usually have one or more conference calls

between meetings. Additionally the Board as a whole advises relative to implementation of the School's strategic plan.

\* We are unable to cover the travel expenses of Board members but all travel expenses are tax-deductible. We also now provide conference call access for all Board meetings and committee break-out sessions.

Again I would be more than happy to discuss this with you at a convenient time. I very much hope that you are willing to serve and look forward to your joining the Board.

Very best regards,

*EXB*  
[attachment "SSE BoA Mtg 10-21-11 - AGENDA - UPDATED (9-11).pdf"  
deleted by Jennie Keith/DC/USEPA/US]

{In Archive} Request for approval for outside activity . EX 6

Jennie Keith to: EX 6

Cc Steve Pressman, Jennie Keith

Archive: This message is being viewed in an archive.



07/27/2011 07:33 PM

Hi EX 6

Thanks for this request.

Your request looks good and you may proceed with your plans. In the unlikely event that the EX 6 should ever intersect with your official duties - as a party to the matter - let's talk first before you work on the matter. I do not anticipate this happening, but you never know.

For OGE - 450 implications (the confidential financial disclosure report due every February 15), you will report this volunteer position on Part III - Outside Positions - of the form.

Thanks!  
Jennie

Jennie Keith  
Deputy Ethics Official  
OGC/Ethics

Environmental Protection Agency  
Room 4413 Ariel Rios North  
202-564-3412  
keith.jennie@epa.gov

EX 6

Attorney-Advisor, GS-14 This em...

07/25/2011 10:17:47 AM

From: EX 6 DC/USEPA/US  
To: Jennie Keith/DC/USEPA/US@EPA  
Cc: Steve Pressman/DC/USEPA/US@EPA  
Date: 07/25/2011 10:17 AM  
Subject: Request for approval for outside activity EX 6 Self-Help Center)

EX 6 Attorney-Advisor, GS-14

This email is formally requesting OGC Ethics approval of an outside activity. I would like to volunteer in the EX 6 Self-Help Center. The EX 6 Self-Help Center provides volunteers an opportunity to assist pro se litigants with matters in the Domestic Relations and Paternity & Support Branches of the Family Court of EX 6 Court. As a volunteer, I will not be providing any legal advice or representing any of the pro se litigants. The EX 6 Self-Help Center is a free walk-in service that provides unrepresented people with general legal information in a variety of family law matters (such as divorce, custody, visitation, child support). The Center provides litigants with information about EX 6 family law matters, informs them of their legal rights and obligations, describes their legal options, helps them determine which forms are most appropriate and how to complete them, explains how to navigate the court process, and, when necessary, refers customers to other helpful clinics and programs. Volunteers are prohibited from providing any legal advice to customers. Because I will be providing legal information and not legal advice, I will not be representing clients back before federal government employees or agencies.

Work will be performed on my compressed work day or during normal duty hours (in which case, I will take annual leave). I anticipate volunteering for a half-day (approximately 4 hours) every other month.

No official duty time or Government property, resources, or facilities available to the general public will be used in connection with the outside activity.

This is volunteer work for the DC Bar Pro Bono Program. I will not be compensated.

I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations).

I am not aware of any EPA assistance agreement or contracts held by the EX6 or individuals that may utilize the services provided by the EX6 Self-Help Center.

Please let me know if you require additional information.

EX6  
Attorney-Advisor  
Civil Rights and Finance Law Office  
EPA Office of General Counsel  
Room 7514D ARN  
202.564.2560 (phone); 202.564.5416 (fax)  
Mail Code 2399A

{In Archive} Re: Ethics guidance regarding your writing activities 

Jennie Keith to: EX 6

07/19/2011 02:05 PM

Cc: Jennie Keith

Archive.

This message is being viewed in an archive.

Then, we can safely determine that the writing does not deal in significant with agency policy, program or operation and you are free to receive compensation. Should the status change and you find yourself discussing EPA programs and policies such that the discussion takes up 20 to 30 percent of your book, we need to revisit this determination. No need for a formal prior approval.

Depending on the amount of compensation, you may have financial disclosure reporting obligations.

On Part I (Assets and Income), you would report a contract with a publisher, an advance, royalties (but you do not have to report the exact amount of income). If you sign a contract this year, you will have reporting obligations for the next confidential financial disclosure form you file in February 2012.

I think you're all set here. Let me know if you need further assistance.

Thanks!

Jennie for OGC/Ethics  
202-564-3412

EX 6

As currently planned, no, I wouldn't discuss what...

07/19/2011 01:04:06 PM

From: EX 6 DC/USEPA/US  
To: Jennie Keith/DC/USEPA/US@EPA  
Date: 07/19/2011 01:04 PM  
Subject: Re: Ethics guidance regarding your writing activities

---

As currently planned, no, I wouldn't discuss what EPA's doing on climate change. I would probably discuss EPA's scientific findings -- the December 2009 endangerment finding -- but that would be about it..

EX 6

EPA-OGC-ARLO

(202) 564-5582 (v); -5603 (fax); (240) 401-9721 (cell)

The contents of this e-mail and any attachments to it may be attorney-client or deliberative-process privileged.

Jennie Keith

I have, EX 6 Your outline seems fine - just on...

07/19/2011 11:28:51 AM

From: Jennie Keith/DC/USEPA/US  
To: EX 6 DC/USEPA/US@EPA  
Date: 07/19/2011 11:28 AM  
Subject: Re: Ethics guidance regarding your writing activities

---

I have, EX 6

Your outline seems fine - just one last question. Particularly for chapter 3, will you be spending much time focusing on EPA's efforts in the climate change area?

Thanks, Jennie for OGC/Ethics  
202-564-3412

Hi, Jennie -- mind if I ask if you've had a chance...

07/19/2011 07:50:27 AM

FOIA EX 6 Ph.D.

Acting Director, Conflict Prevention and Resolution Center  
U.S. Environmental Protection Agency

202 FOIA EX 6 (e)

202.501.1715 (fax)

FOIA EX 6

[www.epa.gov/adr](http://www.epa.gov/adr) - [intranet.epa.gov/adr](http://intranet.epa.gov/adr)

## Keith, Jennie

---

**From:** Keith, Jennie  
**Sent:** Wednesday, August 14, 2013 4:17 PM  
**To:** FOIA EXC  
**Subject:** RE: outside activity request

Same deal, *etc* Because a third party will publish your article, I need to be involved.

- Tell me what you're writing about and how it relates to your job;
- Forward the publishing agreement so that I can review and remove prohibited provisions;
- Who are co-authors/publishers;
- Publishing timeframe;
- Confirm that this is an outside activity that you are carrying out on your own time without government resources or government imprimatur.

Thanks!  
Jennie for OGC/Ethics  
202-564-3412

*no further  
follow up  
by requestor*

---

**From:** FOIA EXC  
**Sent:** Wednesday, August 14, 2013 4:08 PM  
**To:** FOIA EXC, Keith, Jennie  
**Subject:** RE: outside activity request

Hi, Jennie – to receive approval to write an article (or a chapter for a book) for which we will not receive any remuneration, do you need the same type of information? Or is it a different drill?

---

**From:** FOIA, EXC  
**Sent:** Thursday, February 21, 2013 3:30 PM  
**To:** Keith, Jennie  
**Subject:** outside activity request

Hi, Jennie –

I am requesting approval as an outside activity for teaching one session of a class on Chinese environmental law. I have been invited by the professors who co-teach the class, one of whom is a long-standing personal associate of mine who I meet with regularly on a personal basis, outside the context of official duties. I do also see him occasionally in the context of official duties (for example, he may attend about 1 of 10 meetings I attend during an official trip to China, such as a meeting where we meet with an assortment of non-governmental organizations; he is not present during our meetings with Chinese government officials, which is the main focus of OGC's work with China). The class session would focus on the broad topic of Chinese environmental law, and not on EPA-China cooperative work. I might mention concrete experiences I have had during officials duties in China as occasional illustrative 'war stories' accounting for no more than 15% of the class session.

Here is the additional information listed in the OGC Quick Ethics Tip on seeking approval for outside activities:

- FOIA EXC, Attorney, GS15

- The nature of the outside activity: Teach (in collaboration with class professors) a session of a class on Chinese Environmental Law.
- Compensation expected = \$: EXG
- Work would be done for: FOIA EXG . University, Department of Geography and Environmental Engineering
- Estimated time: 3 hours class time + 3 hours prep time + 2 hours travel time (roundtrip)
- Estimated number of hours of absence from work required = 2 hours annual leave to travel to evening class.
- No official duty time or Government property, resources, or facilities available to the general public will be used in connection with this activity.
- Compensation basis is honorarium for the session.
- I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401 (EPA's Supplemental Regulations)
- I am aware of no EPA assistance agreements or contracts held by the person to whom services would be provided.

Please let me know if there is any additional information which would be useful in considering this request.

Thanks,

FOIA EXG  
202 FOIA EXG

## Keith, Jennie

---

**From:** Keith, Jennie  
**Sent:** Friday, April 26, 2013 6:37 PM  
**To:** FOIA EXG  
**Subject:** RE: Uncompensated outside lecture

EXG

You've hit the important points.

Not sure if this has already occurred.

But for the future, if related to the EPA, you may want to consider asking to do this as part of official duty. No need for caveats, no need to use annual leave, and you can use official resources and equipment to help you prepare (EPA power point slides, use of the EPA logo, use of EPA contract information). I'm sure that supervisors would clear a one-hour lecture depending on the subject matter.

As an outside activity, you must use annual leave, cannot use official resources or equipment to help you prepare (of course, documents posted on the internet are okay), and the required disclaimers are necessary. OGC/Ethics recommends this disclaimer:

This work is not a product of the United States Government or the United States Environmental Protection Agency, and the author/editor/speaker is not doing this work in any governmental capacity. The views expressed are those of the author/editor/speaker only and do not necessarily represent those of the United States or the US EPA.

I also recommend using personal contact information when done as an outside activity.

I apologize this confirmation comes so late. I am cleaning out the April email inbox and realized I had not responded to you on this. Please follow up with me if appropriate.

Thanks!  
Jennie for OGC/Ethics  
202-564-3412

---

**From:** FOIA EXG  
**Sent:** Wednesday, April 03, 2013 4:16 PM  
**To:** Keith, Jennie  
**Subject:** Uncompensated outside lecture

Hi Jennie,

I've got an upcoming engagement to speak to a college class. I'm aware of this advisory:

<http://www.oge.gov/OGE-Advisories/Legal-Advisories/10x1---Uncompensated-Teaching,-Writing,-and-Speaking/>

In addition to meeting the requirements of 807(b)(1), I plan to expressly state that I'm speaking in my personal capacity and not as a gov't employee.

Having said that, I just wanted to check in to make sure I'm good to go. Anything else I need to know or do? Thanks.

*For EX 4*

US EPA, Office of General Counsel, Civil Rights and Finance Law Office  
202/564-1428 (f)

**Keith, Jennie**

---

**From:** Keith, Jennie  
**Sent:** Wednesday, March 20, 2013 6:19 PM  
**To:** FOIA EX6  
**Subject:** RE: General

This is doable, EX6

You'll have some issues to steer clear and I don't know how that will affect the viability of the NGO.

Briefly:

- If you seek federal government grant money, you'll have issues with representing back to the government (18 USC 203, 205) as well as seeking federal government employees to participate in your NGO activities as part of official government duty (e.g., enlisting a Peace Corps employee to participate humanitarian activities with your audience) or enlisting in advocacy issues before the executive or judicial branches;
- If you seek federal contracts, procurement rules prohibit contracts to current federal employees (not an ethics issue, but general awareness issue);
- You cannot participate in official EPA and government matters that would impact your NGO (18 USC 208) (e.g., coordinating with the State Department about developing a grant program that would target international environmental NGOs where your NGO would be eligible to participate for grant funding) – but I don't see this a significant for you;
- General misuse concerns (use of time, office equipment, resources, etc.);
- If the NGO gets politically active, you'll have potential Hatch Act restrictions; and
- If you expect to do federal lobbying, advocacy issues before Congress let's take a quick look at the anti-lobbying provisions (shouldn't affect you, but let's be sure).

That's it! We'll talk more about it in the office when you have some more definitive ideas about what you want to do.

Sounds exciting.

Take care of yourself and I am so sorry to hear about your health issues. Attend well to them.

Jennie for OGC/Ethics  
202-564-3412

---

**From:** FOIA EX6  
**Sent:** Wednesday, March 20, 2013 1:14 AM  
**To:** Keith, Jennie  
**Subject:** RE: General

Oh no, I'm very sorry to hear you've been unwell too. I hope you're well on the mend. I'll actually likely be out for a while (at least this week and into next) but, by necessity, expect to work from home at least a few hours each day.

FOIA EXEMPTION 6

In any case, enough about my absurd medical trials and tribulations

...  
To summarize, I asked to meet with you because I'm considering starting an NGO (a very modest one that would only require a few hours a week during non-working hours, at least initially) that would focus on mobilizing high school and college students to engage in humanitarian causes of all kinds. And although I suspect some of the work would involve

environment related matters (e.g., a project or two here and there) this would be only a very small part of the NGO's work and so the NGO would absolutely NOT be characterized as an "environmental" NGO or anything near that.

I'd still very much like to meet with you to discuss (even by phone) but since I don't know how long I'll be out of the office I thought it made sense to share the gist of what I'm thinking about in the even you could provide me some preliminary feedback and/or direct me to some written resources outlining what is or is not acceptable outside employment. And to the extent it's relevant and thought I'd be the "president" of the NGO, I'd expect to also be receiving assistance from my 21 year old college nephew.

In any case, please let me know what you think when you get the chance (though of course no hurry since I can't even think about taking any real action until I get out of the neurological woods I'm currently in).

And if you would, please keep this information very very close to the vest. Or, in the event you determine you need to consult others in OGC, please give me a heads-up beforehand.

Thanks very much and again I hope you continue to feel better.

Cheers,

EXL  
(C) FOIA EXL

**From:** Keith, Jennie

**Sent:** Tuesday, March 19, 2013 2:52 PM

**To:**

**Subject:** Declined: General

**When:** Tuesday, March 19, 2013 11:00 AM-11:30 AM.

**Where:** Jennie's Office

EXL I hope you feel better. I was sick, too, and am just catching up after two days out. Take care, Jennie

Re: EX6 r [document icon]  
Jennie Keith to: FOIA EX6  
Cc: Justina Fugh, Jennie Keith

12/11/2012 07:04 PM

EX6

I have considered your participation on the section steering committee for the DC Bar. I have read through the documents you sent me earlier including the "Section Policies and Procedures," and the "Section Leadership Position Descriptions." **You cannot engage in this position as part of your official EPA duties.** If you would like to continue to serve on the steering committee, you'll have to continue to do this work as an outside activity. My thoughts on why this remains an outside activity are below.

Before continuing this discussion though, I would like to note, that there are many other ways to participate in this section that may be classified as part of your official duties. Any activity that deals with substantive policy issues, including chairing section committees (as opposed to being a member of the steering committee or any other governance position such as a financial officer, member of the nominating committee, membership coordinator, etc.) may be eligible to include as part of your official duties. You would need to summarize what your proposed activities would be (and whether that includes making the public policy statements or being responsible for money management(e.g. registration fees)), demonstrate how the proposed activity is in the interests of the Agency, describe the time commitment required and length of service. Normally, you would clear these activities with your supervisor, which for the time being is Brenda Mallory.

However, as a section steering committee member, you are responsible for the governance of the entire section which includes the "health" of the section, making sure that the section is functioning appropriately and that the section has the money to fund its activities. I noted that two responsibilities of the steering committee member includes proposing the section's dues levels for the following year and authorizing reimbursement for travel. You are providing guidance about the administration, programs, and projects of the section and its committees. A lot of the responsibility of the steering committee member is to run the internal business affairs of the section. This cannot be classified as part of your official work capacity for two reasons. There is no Agency interest nor would it be appropriate to use official work time in governing the affairs of an outside organization in these circumstances. In addition, there are significant ethics issues present that it presents a sticky situation. You do have to be concerned with at least one, maybe two, criminal statutes - 18 USC 205 and 208. 18 USC 205 prohibits you from representing a third party back to the United States Government. There is no waiver provision and you cannot represent the interests of the section in seeking official government action (such as seeking DOJ's participation in a section program event). You have at least an appearance issue, and maybe a criminal issue under 18 USC 208. Taken together, you cannot participate in official work matters that would have a financial effect on the section's activities. Let's say as a steering committee member, you are coordinating on an education program that has a registration fee. You cannot in your official capacity recommend to your subordinates to attend that program or approve any training authorization obligating EPA to pay the registration. Since you are

responsible as a steering committee member for the overall health of the section, there's a big ethics issue here. If you were the chair / vice-chair of the steering committee or the financial officer, this would definitely be a criminal issue. It's a bit harder to analyze as a criminal issue for the position you hold, but suffice it to say, there are ethics issues. Because the steering committee member deals significantly with the governance of the section as a whole, you cannot conduct this activity as part of your official duties.

I hope my suggestions for alternative participation are of interest to you. We do have other attorneys in the office who do participate in bar associations as part of their official duties, but again, in non-governance positions.

Please let me know if you would like to discuss this more.

Thanks!  
Jennie

Jennie Keith  
Deputy Ethics Official  
OGC/Ethics

Environmental Protection Agency  
Room 4413 Ariel Rios North  
202-564-3412  
keith.jennie@epa.gov

*font exl* Hi Jennie. You may recall that I am on the *exl* 12/06/2012 05:06:24 PM

From: *exl* /DC/USEPA/US  
To: Jennie Keith/DC/USEPA/US@EPA  
Date: 12/06/2012 05:06 PM  
Subject: DC Bar

---

Hi Jennie. You may recall that I am on the DC Bar environment section steering committee. I can't remember if I mentioned this to you, but at one point Justina said she thought this activity could probably be classified as part of my work responsibilities, rather than as a personal activity, but she suggested I follow up with you. Can you please let me know your thoughts on that, and let me know if you would need any additional info from me?

My term on the committee is expiring, and I'm debating whether to run again. I probably will not run again if I have to continue to do committee work on my own time and equipment. Thanks.

FOIA 616

Office of General Counsel (2333 A)

U.S. EPA

phone: (202) FOIA 616

fax: (202) 564-5644

Re: Your writing activities with the ABA SEER Sub-Committee on International Environmental Law ( FOIA EX 6 )

Jennie Keith to: FOIA EX 6

08/23/2012 10:49 AM

Great!

FOIA EX 6

Thanks Jennie. One question about the disclaim...

08/23/2012 08:48:01 AM

From: DC/USEPA/US  
To: Jennie Keith/DC/USEPA/US@EPA  
Date: 08/23/2012 08:48 AM  
Subject: Re: Your writing activities with the ABA SEER Sub-Committee on International Environmental Law ( FOIA EX 6 )

Thanks Jennie. One question about the disclaimer. Since my co-chair works for DOJ, could we omit the references to EPA and just reference the US government?

“This work is not a product of the United States Government or the United States Environmental Protection Agency, and the author is not doing this work in his/her governmental capacity. The views expressed are those of the author only and do not necessarily represent those of the United States or the U.S. EPA.”

FOIA EX 6  
Office of General Counsel  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, MC 2333A  
Washington, DC 20460  
(202) FOIA EX 6

NOTICE: This communication may contain privileged or other confidential information. If you are not the intended recipient, or believe you have received this communication in error, please delete the copy you received, and do not print, copy, retransmit, disseminate, or otherwise use the information. Thank you.

Jennie Keith

Hi FOIA EX 6 Thanks for stopping by just now to r...

08/16/2012 02:01:42 PM

From: Jennie Keith/DC/USEPA/US  
To: FOIA EX 6 DC/USEPA/US@EPA  
Cc: Jennie Keith/DC/USEPA/US@EPA  
Date: 08/16/2012 02:01 PM  
Subject: Your writing activities with the ABA SEER Sub-Committee on International Environmental Law ( FOIA EX 6 )

Hi FOIA EX 6

Thanks for stopping by just now to review your outside activities - specifically your writing activities under the American Bar Association.

We reviewed the two agreements the ABA has asked you to sign regarding your writing and noted that at least one of them needs to include the check box for U.S. Government employees to signify whether they are doing the writing on their own as an outside activity or as part of official duty.

As for your writing, use a disclaimer if you reference your EPA affiliation (see disclaimer language below).

Also found below are common ethics issues when writing in your outside capacity.

Thanks!  
Jennie Keith  
Deputy Ethics Official  
OGC/Ethics

Environmental Protection Agency  
Room 4413 Ariel Rios North  
202-564-3412  
keith.jennie@epa.gov  
=====

## **Potential Misuse of Position Issues**

### **Use of EPA title and position**

One of principles we commit to uphold as public servants is that we will not use our public office for our own private gain or for the gain of others. Therefore, as executive branch employees, we cannot leverage our official government jobs to promote our outside activities, which include inappropriately referencing our official titles. There are a few exceptions to this rule and the following discusses the context in which you may reference your official EPA position. To view the actual regulation about this area, please see [5 CFR 2635.807\(b\)\(2\)](#) and [5 CFR 2635.702](#).

### **The Author Byline (e.g. . foia ex<sup>o</sup>...s, U.S. Environmental Protection Agency\*)**

How do you identify yourself in the writing activity? May you use your EPA affiliation? For writing activities such as chapters and articles, the ethics rules permit you to reference your government affiliation so long as you use a reasonably prominent disclaimer.

### **Required Disclaimer**

“This work is not a product of the United States Government or the United States Environmental Protection Agency, and the author is not doing this work in her governmental capacity. The views expressed are those of the author only and do not necessarily represent those of the United States or the U.S. EPA.”

### **Requirements for disclaimer language**

OGC/Ethics suggests that you use this disclaimer as it's clear about the status of your writing. However, if you choose to alter it, the disclaimer must be clear about the following three items: 1) you must be clear that you are not writing in your official capacity, that this is a personal activity; 2) the writing does not belong to the U.S. Government; and 3) that you are expressing your views only and you are not representing the EPA. The disclaimer must include these three items because you cannot confuse your readers. You do not want to give the impression that you are writing in your government capacity or that the government sanctions your work. Readers need to understand that your work does not implicate the government in any way whatsoever. We in the ethics office provide the prudential advice of “avoiding confusion.” The purpose of the disclaimer is to do just that.

### What does “reasonably prominent” mean?

The disclaimer should be closely connected to your byline and it should be given the same prominence as any text of your chapter (i.e., no fine print). You’ll note that I’ve included an asterisk in your byline title above. The asterisk is not required, but there should be some sort indication to trigger readers to view the disclaimer. For example, if the disclaimer appears immediately after your byline, then an asterisk is not required; however, if the disclaimer appears at the bottom of the page, then there should be some sort of notation, like there is for a footnote, to alert readers about the status in which you are writing.

### **The Author Biography**

You may reference your EPA affiliation in your biography as long as you include three biographical details. Your description of your official work cannot be given any more prominence than any other biographical details. For example, you could not write a paragraph that focuses solely on your federal career while including one sentence to your education and professional details. Again, under our mantra of “avoiding confusion,” a biography that’s weighted on your federal career may give readers the impression you are writing in your official government capacity. Finally, if you include a biography and do not identify your EPA affiliation in your byline, then you do NOT have to include a disclaimer.

### **Is a disclaimer required?**

Even if your byline does not identify you with your EPA affiliation, is a disclaimer a good idea? My position is that disclaimers never hurt and can be a good idea. If you decide to include a disclaimer when it is not required, I strongly recommend that you use the disclaimer provided above or closely hew to it. Of course, if you do not reference your EPA affiliation at all, then no disclaimer is necessary.

### **Use of EPA time, resources, and equipment**

Other than the use of our official titles and positions, several other issues can also present misuse of position scenarios. EPA’s *Policy on Limited Personal Use of Government Office Equipment* , EPA Order CIO 2101.0, is the definitive guidance on most of these issues.

#### **Use of official time**

Generally, you cannot use official time for your own personal activities. However, if necessary, you may spend a reasonable amount of time to do tasks that normally cannot be completed outside of business hours. For example, if you need to call the publisher during the workday to confirm receipt of your manuscript, that is okay. What’s not okay is to spend several official duty work hours on this project.

#### **Use of equipment and resources (including your government email address)**

Generally, you cannot use government resources or equipment to support your personal activities. According to the limited use policy, you may use government equipment so long as it does not cost the government anything. For example, on the weekends, you

may use the EPA computer to write your drafts, however, you may not use the government printers to print several drafts of your work.

Government equipment also includes use of your government email address. In our discussion above about “avoiding confusion,” I recommend that you use a separate email address to conduct this activity. For example, your publisher may assume that you are writing in your EPA capacity if you use your EPA email address to correspond. Use of the government email address can easily be construed that you are doing this activity in your official capacity, or at minimum, give the imprimatur that the Agency is supporting your activity. Unless it’s clear that you are conducting this in your personal capacity, I always recommend keeping your EPA email account separate from personal outside activities.

### **Use of non-public information**

You can never use non-public information to support your personal outside activities. How do we know whether government documents are non-public? Typically, we go by the standards of the Freedom of Information Act (FOIA). If the document is not releasable under FOIA, then it is considered non-public information. Nothing in the information you presented gives me any concern that your activity includes non-public information.

Re: Fw: Request for Approval for Outside Employment 

Jennie Keith to FOIA EX6

08/08/2012 04:37 PM

EX6 thanks for the update - I will have some advice for you by the end of this week. Thanks for your patience. Jennie for OGC/Ethics 202-564-3412

FOIA EX6

Jennie, The university has decided to go the dire...

08/02/2012 11:24:16 AM

From: FOIA EX6 DC/USEPA/US  
To: Jennie Keith/DC/USEPA/US@EPA  
Cc: Richard Kuhlman/DC/USEPA/US@EPA  
Date: 08/02/2012 11:24 AM  
Subject: Re: Fw: Request for Approval for Outside Employment

---

Jennie,

The university has decided to go the direct hire route and I've accepted the position. So I'll actually be an employee of the university.

EX6

FOIA EXEMPTION 6  
Conflict Prevention and Resolution Center  
U.S. Environmental Protection Agency  
"Making Agreement Easier" | (202)  
<http://intranet.epa.gov/adr> or <http://www.epa.gov/adr>

Jennie Keith

Hi EX6 Accepting this position will be no proble...

07/12/2012 11:35:03 AM

From: Jennie Keith/DC/USEPA/US  
To: FOIA EX6 DC/USEPA/US@EPA  
Cc: Richard Kuhlman/DC/USEPA/US@EPA  
Date: 07/12/2012 11:35 AM  
Subject: Re: Fw: Request for Approval for Outside Employment

---

Hi EX6

Accepting this position will be no problem although I have ethics guidance to provide to cover common scenarios with outside teaching positions - such as ethical implications of asking federal employees to be guest lecturers for the class. This guidance, though, will vary depending on whether you're a contractor or direct hire (direct hire, I'm guessing means you are actually an employee of the university?).

Please let me know the status of how you are hired and I will provide the guidance based on this status.

Thanks!  
Jennie for OGC/Ethics  
202-564-3412

Richard Kuhlman

EX6 and I have discussed his responsibilities as...

07/09/2012 01:39:18 PM

From: Richard Kuhlman/DC/USEPA/US  
To: Jennie Keith/DC/USEPA/US@EPA  
Cc: FOIA EX6 DC/USEPA/US@EPA  
Date: 07/09/2012 01:39 PM  
Subject: Fw: Request for Approval for Outside Employment

---

EW and I have discussed his responsibilities as called for under the regulations. I fully support his request for approval for outside employment.

Rich

---

**Richard T. Kuhlman**, Director  
Conflict Prevention and Resolution Center  
U.S. Environmental Protection Agency  
"Making Agreement Easier" | (202) 564-0696  
intranet.epa.gov/adr or www.epa.gov/adr  
----- Forwarded by Richard Kuhlman/DC/USEPA/US on 07/09/2012 01:37 PM -----

From: **FOINELL** //DC/USEPA/US  
To: Richard Kuhlman/DC/USEPA/US@EPA  
Date: 07/03/2012 02:35 PM  
Subject: Request for Approval for Outside Employment

---

Rich,

Please forward the message below to Jennie Keith for her approval. The ethics rules require that this message go through you to the ethics officer.

EW

Jennie,

I have been offered a teaching position at **FOINELL** University. In accordance with EPA Supplemental Regulations at 5 CFR 6401.103, I am requesting approval for outside employment. Below I provide the information required in the regulations:

(1) Employee's name, title and grade;

**FOINELL** I, Conflict Resolution Specialist, GS-15

(2) Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;

The position is for an adjunct professor to teach a course on environmental conflict resolution in the Graduate Certificate Program in Environmental Conflict Resolution and Collaboration. Services provided related to this position will include course preparation, teaching class sessions, providing guidance/advice to students outside of class time, and evaluating students' performance.

The amount of compensation is expected to be at least \$ **EW** for a single course, although **FOINELL** University is still determining the exact amount of compensation. It could be slightly higher than \$ **EW**, depending on the mechanism (e.g., contract vs. direct hire) through which I would be hired.

(3) The name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next 6 months);

**FOINELL** University

(4) The estimated time to be devoted to the activity;

I estimate that the position will require approximately five hours/week during the semester in which the course is held (likely fall 2012). I will need to invest a smaller amount of time per week to prepare for the course prior to that time.

(5) Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);

Most of the services will be performed outside of normal duty hours. On limited occasions, I may request annual leave or a flexible work schedule to accommodate teaching responsibilities.

(6) The employee's statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;

I will not use official duty time or Government property, resources, or facilities not available to the general public in connection with the outside employment.

(7) The basis for compensation (e.g., fee, per diem, per annum, etc.);

The salary will be paid on a per course basis.

(8) The employee's statement that he or she has read, is familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102;

I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and §6401.102.

and

(9) An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

I know of no EPA assistance agreements or contracts with ~~FOIA EXC~~ University related to my work at the Agency.

If you need any additional information or have questions, please let me know.

~~EXC~~

---

~~FOIA EXC~~ Ph.D.  
Conflict Prevention and Resolution Center  
U.S. Environmental Protection Agency  
"Making Agreement Easier" | (202) ~~FOIA EXC~~  
intranet.epa.gov/adr or www.epa.gov/adr

Your outside activity request ( FOIA EXC )  
Jennie Keith to: FOIA EXC  
Cc J'Ingrid Mathis, John Rogers, Jennie Keith

06/07/2012 03:31 PM

Dear: FOIA EXC,

On Tuesday, June 5, 2012, we discussed your proposed outside activity to India in July. We discussed many aspects of this activity. The important point to re-emphasize: there is no ethics issue with the speaking engagement by itself (you are able to exercise your first amendment rights!).

The issue is whether you may accept travel gifts (either provided directly or through reimbursement to you personally). As we discussed on the phone, the Emoluments Clause of the U.S. Constitution prohibits you, in either your official government capacity or in your personal capacity, from accepting gifts from a foreign government. The exception to this prohibition is whether Congress consents to the gifts. Congress gave its consent through the Foreign Gifts and Decorations Act (Act); however, the Act applies only to employees who are conducting activities in their official government capacities. Since you are proposing to do this speaking event as a private citizen, the Act does not apply to you. Also, I related to you that foreign universities can be considered foreign governments. Thus, when we analyze outside activities that are similar to yours, we do an analysis to determine whether the foreign university is also a foreign government and whether you may accept the travel gifts.

If you would like more information about the Emoluments Clause and examples of what entities are considered foreign governments, I encourage you to review the guidance posted on this by the National Institutes of Health. You'll see that if you received an invitation from the University of Sydney (Australia), and you were traveling in your personal capacity, you would not be able to accept the reimbursement of travel expenses since the University of Sydney is a foreign government. See this link:

<http://ethics.od.nih.gov/topics/foreign.htm>

Over the phone, we discussed a variety of aspects of this conference including who was the sponsor of the conference and who was providing the travel gifts (the international symposium versus the university). The status at the end of the conversation was as follows:

- 1) I did not have enough information to determine whether you may accept the travel gifts;
- 2) You were open to not accepting the offer of travel expenses; and
- 3) I would consult with the OGC/Ethics team leader, Justina Fugh.

Justina and I both agree that there is not enough information to make this determination regarding whether you may accept the gifts. We cannot, in good faith, make the determination with the information that's available.

**What are the next steps?**

You have two options.

- 1) You suggested that you could decline any offer of travel gifts. This would be the easiest way and would allow your Deputy Ethics Official, John Rogers, to approve this outside activity request noting your confirmation that you will not take any gifts from the university.
- 2) If you would like to know whether you may accept the offer for travel expenses, then OGC/Ethics needs more information. The best way to obtain more information would be from the university. I have created a list of questions (sent to you in a previous email) that you may forward to your contact. I am also happy sending an email to your contact.

**Is it necessary to receive a revised invitation letter removing the offer for travel expenses?**

If you decide to follow option 1 described above, your outside activity request is sufficient as long as you confirm to your DEO that you will not accept any travel gifts or any other gifts offered by the university.

**Anything else?**

You mentioned two colleagues from EPA/NCEA who have also been invited to this conference. I would be very grateful if you could alert them to this issue so that they may consult with their own Deputy Ethics Official or with OGC/Ethics. Their scenario may have a different analysis particularly if they are traveling to India as part of official duty.

I have cc'd your DEO and former ADEO on this to facilitate your outside activity request. I wish you all the best and hope you have a successful and pleasant time at the conference. Please let me know if I can be of further assistance.

Thanks!

Jennie for OGC/Ethics  
202-564-3412

J'Ingrid Mathis

Hi Jennie, Just checking in on the status of this i...

05/31/2012 10:09:37 AM

From: J'Ingrid Mathis/RTP/USEPA/US  
To: Jennie Keith/DC/USEPA/US@EPA  
Cc: FOIA EXU /RTP/USEPA/US@EPA  
Date: 05/31/2012 10:09 AM  
Subject: Re: ethics question

---

Hi Jennie,

Just checking in on the status of this inquiry. Have you had a chance to research whether the institution in question ( FOIA EXU University) is considered to be a unit of foreign government?

Thanks,  
J

J'Ingrid Mathis  
Senior Advisor  
Workforce Planning, Development and Advancement  
National Health and Environmental Effects Research Laboratory  
U. S. Environmental Protection Agency  
109 TW Alexander Drive  
Research Triangle Park, NC 27711  
Tel: 919-541-3785  
Fax: 919-685-3785

J'Ingrid Mathis

Hi Jennie, I have an ethics question and wonderi...

05/24/2012 07:58:25 AM

From: J'Ingrid Mathis/RTP/USEPA/US  
To: Jennie Keith/DC/USEPA/US@EPA  
Date: 05/24/2012 07:58 AM  
Subject: ethics question

---

Hi Jennie,

I have an ethics question and wondering if you can help me think it through....one of our scientists has been invited to attend a conference in India. The conference sponsor will pay for his airfare, per diem, etc and the scientist intends to file an outside activity form and use annual leave to attend the conference. Is he required to complete the ethics travel document or any other forms?

Thanks,  
J

J'Ingrid Mathis  
Senior Advisor  
Workforce Planning, Development and Advancement  
National Health and Environmental Effects Research Laboratory  
U. S. Environmental Protection Agency  
109 TW Alexander Drive  
Research Triangle Park, NC 27711  
Tel: 919-541-3785  
Fax: 919-685-3785

**Re: request for approval of outside activity**

Jennie Keith to: FOIA EX6  
Cc: CarolAnn Siciliano, David Gravallese

02/14/2012 10:34 AM

Hi ' EX6

You request approval from me, the Deputy Ethics Official, not your supervisor. Supervisors do not have an approving role in the outside activity approval process. Sending the outside activity request through the supervisor serves as a heads up for the supervisor, should the Deputy Ethics Official need to consult with the supervisor about potential conflicts. For your request, I do not see anything out of the ordinary that would require me to discuss this with Carol Ann. I will reply soon with a determination and counseling advice.

Thanks!  
Jennie for OGC/Ethics  
202-564-3412

FOIA EX6

Hi, Carol Ann - I talked with Jennie Keith about t...

02/14/2012 10:11:13 AM

From: FOIA EX6 /DC/USEPA/US  
To: CarolAnn Siciliano/DC/USEPA/US@EPA  
Cc: Jennie Keith/DC/USEPA/US@EPA, David Gravallese/DC/USEPA/US@EPA  
Date: 02/14/2012 10:11 AM  
Subject: request for approval of outside activity

---

Hi, Carol Ann - I talked with Jennie Keith about this and she asked that I compile this information and send it to her through you, so you can indicate to her whether or not you approve. She would then do the ethics review.

I am requesting approval of outside employment. Here is pertinent information:

- 1) Name, title and grade: FOIA EX6, Attorney-Advisor, GS 15
- 2) The nature of the outside activity: Teach 1 session of a class on Chinese Environmental Law for FOIA EX6 University. \$ EX6 compensation expected.
- 3) The name and business of the person or organization for which the work will be done: FOIA EX6 University
- 4) Time to be devoted to the activity: 6 hours preparation + 3 hours teaching
- 5) Service will be performed outside of normal duty hours, no absence from work required
- 6) No official duty time or Government property, resources, or facilities available to the general public will be used in connection with this outside employment.
- 7) Compensation is awarded on a per session basis.
- 8) I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations).
- 9) I know of no EPA assistance agreements or contracts held by FOIA EX6 University.

Thanks,

FOIA EX6  
International Environmental Law Practice Group



[http://www.usoge.gov/ethics\\_guidance/daeograms/dgr\\_files/2006/do06029.html](http://www.usoge.gov/ethics_guidance/daeograms/dgr_files/2006/do06029.html)

Typically, this analysis is fairly straightforward, because this restriction applies to “any matter” to which an employee is assigned or has been assigned in the past year.

The crux of the issue that you present, though, is that you are not intending to write about a specific Agency program or your specific research activities within EPA, but rather about a general area in which you have an expansive, ongoing and prominent role. Based on our analysis, we believe that this general area encompasses many of the very same duties that you are assigned as part of your official duties.

The prohibition against receiving compensation is intended to ensure that public office is not used by any employee for private gain. Employees cannot be compensated if “there is a specific relationship between the subject matter and [their] particular duties or the responsibilities, programs or operations” of the Agency. See preamble to proposed Standards of Ethical Conduct, 56 FR 33778 (July 23, 1991).

In reviewing the TSW rule, career employees, such as yourself, are subject to narrower prohibitions than non-career employees. While you cannot accept compensation for writing about agency policies, programs and operations, or on specific matters in which you work, you may accept compensation for an activity that applies your general area of expertise. The key issue, however, is that you are assigned to be the agency’s expert in life cycle assessments, and are highly regarded as an international expert in this regard. As part of your official duties, you write, advise and speak about much of the content that you seek approval for outside compensation. In fact, your own Deputy Ethics Official said that this work could be assigned to you as part of your official duties.

We believe that you cannot receive compensation for your editing the book because: (1) your editing is substantive and therefore qualifies as writing, and (2) your writing deals in significant part with the exact same area that is part of your assigned duties.

This is not an easy issue for us to parse through. One focus of our analysis was to determine whether the authors are writing on subjects that are considered matters that you work on. I agree that specific case studies are not “matters” related to your official duties; however, the first half of the proposed book covers matters that overlap with your official duties.

The first half of the book deals with the “Benefits of LC Thinking” and “LCA Methodology.” I have read through the EPA report published in 2006, “Life Cycle Assessment: Principles and Practice,” (2006 report) which was your work assignment. I believe that the proposed first half of the book covers similar material. Since you currently advise on the same types of issues, then I see a conflict. I also went through your official research activities document and compared it with the draft outline of the book to determine how the topics of the book were likely related to your official duties. I have included below an ethics interpretation as to whether the chapter is related to official duty. For example, you wrote to me that your work includes explaining LCA. Your proposed book also has a chapter on “Intro to LCA.” These two areas seem to be closely

related. Even though the author may use examples that you never worked on, the author is likely discussing the very same concepts that you discuss at EPA. Therefore, this chapter is highly likely to be related to official duty.

-- Preface: Why this book (you propose to write this section)

**Ethics interpretation** - I include this because you are writing it, though the actual preface may not itself be related to official duties

-- Chapter 1: Intro to LCA (you wrote to me that your work, "often involves some form of defining/explaining what LCA is and how an LCA study should be approached.").

**Ethics interpretation** - this chapter seems related to your official duties

-- Chapter 2: Sustainability (a lot of your research activities include sustainability)

**Ethics interpretation** - depending on the content, this could be related to official duties

-- Chapter 3: Life Cycle Based Tools (you wrote to me that your duties involve a higher strategic level and this chapter seems to be related to resources available in the LCA field)

**Ethics interpretation** - If you advise currently about the tools and resources in the field, it appears there is a nexus between this chapter and your official duties, and therefore, this chapter seems related to your official duties

-- Chapter 5: Modeling the Agri-Food Industry (your research activities include a presentation, "Promoting the Use of LCA in Sustainable Agri-Food)

**Ethics interpretation** - even though you may not have specifically modeled the agri-food industry, because of the nexus between this chapter and your presentation, this seems to be a matter you worked on in the past year

-- Chapter 6: Sources of Inventory Data (several of your research activities deal with LCI data, its public availability, and sources of LCI data)

**Ethics interpretation** - because you discuss LCI data on a regular basis, it seems that the content of this chapter will likely deal with content that you discuss on a regular basis

-- Chapter 8: Impact Modeling/Valuation (the 2006 report discussed modeling; seems likely that modeling is part of your current official duties)

**Ethics interpretation** - depending on the content, this could be related to official duties

-- Chapter 15: LCIA versus Risk Assessment (I noted that the 2006 report touched upon this area and I would guess that you discuss this on a regular basis in your LCA work)

**Ethics interpretation** - if you advise/present on LCIA/risk management on a regular basis, it seems that the content of this chapter will likely deal with content that you discuss on a regular basis

-- Chapter 16: Life Cycle Management (the 2006 report touched upon this area and I'm guessing that you advise on LCM conceptually on a regular basis)

**Ethics interpretation** - if this chapter discusses the concept generally, this could be

[http://www.usoge.gov/ethics\\_guidance/daeograms/dgr\\_files/2006/do06029.html](http://www.usoge.gov/ethics_guidance/daeograms/dgr_files/2006/do06029.html)

Typically, this analysis is fairly straightforward, because this restriction applies to “any matter” to which an employee is assigned or has been assigned in the past year.

The crux of the issue that you present, though, is that you are not intending to write about a specific Agency program or your specific research activities within EPA, but rather about a general area in which you have an expansive, ongoing and prominent role. Based on our analysis, we believe that this general area encompasses many of the very same duties that you are assigned as part of your official duties.

The prohibition against receiving compensation is intended to ensure that public office is not used by any employee for private gain. Employees cannot be compensated if “there is a specific relationship between the subject matter and [their] particular duties or the responsibilities, programs or operations” of the Agency. See preamble to proposed Standards of Ethical Conduct, 56 FR 33778 (July 23, 1991).

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We believe that you cannot receive compensation for your editing the book because: (1) your editing is substantive and therefore qualifies as writing, and (2) your writing deals in significant part with the exact same area that is part of your assigned duties.

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The first half of the book deals with the “Benefits of LC Thinking” and “LCA Methodology.” I have read through the EPA report published in 2006, “Life Cycle Assessment: Principles and Practice,” (2006 report) which was your work assignment. I believe that the proposed first half of the book covers similar material. Since you currently advise on the same types of issues, then I see a conflict. I also went through your official research activities document and compared it with the draft outline of the book to determine how the topics of the book were likely related to your official duties. I have included below an ethics interpretation as to whether the chapter is related to official duty. For example, you wrote to me that your work includes explaining LCA. Your proposed book also has a chapter on “Intro to LCA.” These two areas seem to be closely

From: **EX 6** /DC/USEPA/US  
To: Jennie Keith/DC/USEPA/US@EPA  
Date: 07/19/2011 07:50 AM  
Subject: Re: Ethics guidance regarding your writing activities

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Hi, Jennie -- mind if I ask if you've had a chance to focus on this?

**EX 6** EPA-OGC-ARLO  
(202) 564-5582 (v); -5603 (fax); (240) 401-9721 (cell)  
The contents of this e-mail and any attachments to it  
may be attorney-client or deliberative-process privileged.

Jennie Keith      Hi: **EX 6** Just wanted to let you know that I'm r...      07/01/2011 04:06:09 PM

From: Jennie Keith/DC/USEPA/US  
To: **EX 6** /DC/USEPA/US@EPA  
Date: 07/01/2011 04:06 PM  
Subject: Re: Ethics guidance regarding your writing activities

---

Hi | **EX 6**

Just wanted to let you know that I'm reviewing your document and expect to get back to you before the end of next week.

Happy 4th!  
Jennie for OGC/Ethics  
202-564-3412

**EX 6** Jennie -- Here is a draft of an outline of this writi...      06/28/2011 10:19:19 AM

From: **EX 6** /DC/USEPA/US  
To: Jennie Keith/DC/USEPA/US@EPA  
Date: 06/28/2011 10:19 AM  
Subject: Re: Ethics guidance regarding your writing activities

---

Jennie --

Here is a draft of an outline of this writing project. It could be a series of articles or it could be a book. My hope is to have it published and to receive compensation.

This writing project is still in the early stages and I have not tried to find a publisher. Finding a publisher or receiving compensation, if that happens at all, will be months from now.

Is it possible to get a read on whether I can receive prior approval at this time?

[attachment "**EX 6** \_outline\_06-28-11.docx" deleted by Jennie Keith/DC/USEPA/US]

Howard J. Hoffman EPA-OGC-ARLO  
(202) 564-5582 (v); -5603 (fax); (240) 401-9721 (cell)  
The contents of this e-mail and any attachments to it  
may be attorney-client or deliberative-process privileged.

Jennie Keith      Dear Howard, In December 2010 we discussed...      06/09/2011 11:47:21 AM

From: Jennie Keith/DC/USEPA/US  
To: Howard Hoffman/DC/USEPA/US@EPA

Cc: Jennie Keith/DC/USEPA/US@EPA  
Date: 06/09/2011 11:47 AM  
Subject: Ethics guidance regarding your writing activities

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Dear *EX6*

In December 2010 we discussed a potential writing project you would like to undertake in your outside capacity as a private citizen. You plan to publish a book about how climate change has affected the state of Israel. You would like to receive compensation for this activity. I am writing to confirm that you may engage in this outside activity provided that you follow the parameters below. These parameters ensure that your activities do not conflict with your professional responsibilities as a public servant and that your activities are consistent with the Standards of Ethical Conduct for Employees of the Executive Branch.

Please do not hesitate to contact me regarding any guidance presented below.

Regards, Jennie  
202-564-3412

**Do you need prior approval to engage in this outside activity?**

At this time, you do not need prior approval for your writing activities. You need prior approval if:

- a) You will receive compensation for this writing; and/or
- b) You will be working with a third party to publish the written product.

Instructions for requesting prior approval are found here:

[http://intranet.epa.gov/ogc/ethics/outside\\_activity.htm](http://intranet.epa.gov/ogc/ethics/outside_activity.htm)

You may send an email request to me with a cc to your supervisor. Your supervisor is involved for informational purposes only; he does not approve or disapprove your request. Generally, a supervisor will offer information only if I request it and for this request I do not see any need for information from your supervisor.

**May you receive compensation for this writing?**

Why is it important whether your work will be compensated? Because you cannot receive compensation for writing that relates to your official duties. Receipt of compensation implicates a criminal statute, 18 U.S.C. 209, and the regulatory rule at 5 CFR 2635.807.

When does writing relate to official duties? The complete definition is at 5 CFR 2635.807(a)(2)(i), but there are two key prohibitions that capture a significant amount of writing activities. You cannot receive compensation for teaching, speaking, or writing when the subject of the activity deals in significant part with 1) any matter to which you are presently assigned or to which you had been assigned during the previous one-year period and 2) any ongoing or announced policy, program or operation of the agency.

When we initially discussed this, I did not think at the time that you would be prohibited from receiving compensation. However, when you have developed an in-depth outline of your writing activity, let's revisit this determination to confirm that you may receive compensation for your writing activity. The reason being is that after our initial conversation, I looked up whether EPA has any programs geared toward Israel. The most visible program is run out of the EPA's Office of International and Tribal Affairs. This program is found here:  
<http://www.epa.gov/oia/regions/Mideast/israel.html>

Based upon the existence of this program, I want to be sure that after you have developed your writing outline, that there are no issues that would prohibit you from accepting compensation.

Furthermore, here's a summary of what "compensation" means. Compensation includes royalties or an advance for writing. It also means any reimbursement for your expenses while writing – paper and copying expenses, computer-related expenses, research-related expenses, hiring a research assistant to help, etc. It really does mean any form of consideration given for your writing activities.

There are some important exceptions, too. When you sign the publishing agreement, a publisher will typically commit to provide you a reasonable number of complimentary copies of the chapter/book. The publisher will usually give you a discount to purchase any of the publisher's other books. Depending on the type of book, the publisher may want to reimburse you for travel expenses related to the writing activity (e.g. the publisher may ask you to discuss your writing at a conference). You may accept all of these items. They are not considered compensation. For more about the definition of compensation, please see 5 CFR 2635.807(a)(2)(iii).

### **Potential Misuse of Position Issues**

#### **Use of EPA title and position**

One of principles we commit to uphold as public servants is that we will not use our public office for our own private gain or for the gain of others. Therefore, as executive branch employees, we cannot leverage our official government jobs to promote our outside activities, which include inappropriately referencing our official titles. There are a few exceptions to this rule and the following discusses the context in which you may reference your official EPA position. To view the actual regulation about this area, please see 5 CFR 2635.807(b)(2) and 5 CFR 2635.702.

**The Author Byline (e.g. *EX 6* U.S. Environmental Protection Agency\*)**  
How do you identify yourself in the writing activity? May you use your EPA affiliation? For writing activities such as books, OGE/Ethics recommends that you DO NOT reference your EPA affiliation. However, you may choose to do so, BUT if you do, then you MUST use a reasonably prominent disclaimer.

#### **Required Disclaimer**

"This work is not a product of the United States Government or the United States

Environmental Protection Agency, and the author is not doing this work in his governmental capacity. The views expressed are those of the author only and do not necessarily represent those of the United States or the U.S. EPA.”

#### Requirements for disclaimer language

OGC/Ethics suggests that you use this disclaimer as it’s clear about the status of your writing. However, if you choose to alter it, the disclaimer must be clear about the following three items: 1) you must be clear that you are not writing in your official capacity, that this is a personal activity; 2) the writing does not belong to the U.S. Government; and 3) that you are expressing your views only and you are not representing the EPA. The disclaimer must include these three items because you cannot confuse your readers. You do not want to give the impression that you are writing in your government capacity or that the government sanctions your work. Readers need to understand that your work does not implicate the government in any way whatsoever. We in the ethics office provide the prudential advice of “avoiding confusion.” The purpose of the disclaimer is to do just that.

#### What does “reasonably prominent” mean?

The disclaimer should be closely connected to your byline and it should be given the same prominence as any text of your chapter (i.e., no fine print). You’ll note that I’ve included an asterisk in your byline title above. The asterisk is not required, but there should be some sort indication to trigger readers to view the disclaimer. For example, if the disclaimer appears immediately after your byline, then an asterisk is not required; however, if the disclaimer appears at the bottom of the page, then there should be some sort of notation, like there is for a footnote, to alert readers about the status in which you are writing.

#### **The Author Biography**

You may reference your EPA affiliation in your biography as long as you include three biographical details. Your description of your official work cannot be given any more prominence than any other biographical details. For example, you could not write a paragraph that focuses solely on your federal career while including one sentence to your education and professional details. Again, under our mantra of “avoiding confusion,” a biography that’s weighted on your federal career may give readers the impression you are writing in your official government capacity. Finally, if you include a biography and do not identify your EPA affiliation in your byline, then you do NOT have to include a disclaimer.

#### **Is a disclaimer required?**

Even if your byline does not identify you with your EPA affiliation, is a disclaimer a good idea? My position is that disclaimers never hurt and can be a good idea. If you decide to include a disclaimer when it is not required, I strongly recommend that you use the disclaimer provided above or closely hew to it. Of course, if you do not reference your EPA affiliation at all, then no disclaimer is necessary.

## **Promotion and Publicity**

After the book is published, may I participate in the publisher's promotion of it? Yes, but be careful. Remember, you are not in your governmental capacity, so any events you do need to conform to the guidance above about referencing your official title and position. Use verbal disclaimers when necessary.

To the extent the publisher promotes the book, you may need to advise the publisher that it cannot use your EPA affiliation to promote its book. The publisher cannot encourage people to buy the book because the EPA employee wrote it. Just like we personally cannot leverage our positions to promote our outside activities, we cannot permit others to use our government position to promote their products – that's also a misuse of position. If the publisher plans to showcase the book's author to highlight the book, you have an obligation to make them aware of your limitations it has with respect to referencing your EPA position. Please follow up with me if you need more specific guidance in this area, especially after the book is published.

Remember that should the Publisher wish to pay your travel expenses in connection with any promotion of the chapter/book, you may accept those expenses. These expenses are specifically excluded from the definition of "compensation" (see discussion above). However, these expenses do constitute a gift to you personally and you may be required to report them on your confidential financial disclosure report that you file every February 15.

How may I personally promote my book? My I tell my EPA colleagues? Of course, in everyday conversation, you may tell people what you've been working on. If they ask you how they can buy the book, you may share that information. Here's what not to do: 1) do not advertise the book using your EPA email address; 2) it's best to obtain personal email addresses of your EPA colleagues or others you know through your EPA work if you would like to share information about the book/chapter; 3) please, do not go to a conference on official EPA time and, while there, set up a table promoting the book/chapter (yes, this actually happened!). As you can see, what these scenarios are avoiding are any misuse of position issues that may arise through your own personal information sharing/promotion of the book/chapter. Please see the section immediately below for more on this topic. Also, please do not hesitate to contact me to work through any of these types of questions when the book is published.

## **Use of EPA time, resources, and equipment**

Other than the use of our official titles and positions, several other issues can also present misuse of position scenarios. EPA's *Policy on Limited Personal Use of Government Office Equipment*, EPA Order CIO 2101.0, is the definitive guidance on most of these issues.

### **Use of official time**

Generally, you cannot use official time for your own personal activities. However, if necessary, you may spend a reasonable amount of time to do tasks that normally cannot be completed outside of business hours. For example, if you need to call the publisher during the workday to confirm receipt of your manuscript, that is okay. What's not okay is to spend several official duty work hours on this project.

### **Use of equipment and resources (including your government email address)**

Generally, you cannot use government resources or equipment to support your personal activities. According to the limited use policy, you may use government equipment so long as it does not cost the government anything. For example, on the weekends, you may use the EPA computer to write your drafts, however, you may not use the government printers to print several drafts of your work.

Government equipment also includes use of your government email address. In our discussion above about “avoiding confusion,” I recommend that you use a separate email address to conduct this activity. For example, your publisher may assume that you are writing in your EPA capacity if you use your EPA email address to correspond. Use of the government email address can easily be construed that you are doing this activity in your official capacity, or at minimum, give the imprimatur that the Agency is supporting your activity. Unless it’s clear that you are conducting this in your personal capacity, I always recommend keeping your EPA email account separate from personal outside activities.

### **Use of non-public information**

You can never use non-public information to support your personal outside activities. How do we know whether government documents are non-public? Typically, we go by the standards of the Freedom of Information Act (FOIA). If the document is not releasable under FOIA, then it is considered non-public information. Nothing in the information you presented gives me any concern that your activity includes non-public information.

### **Potential Impartiality / Appearance Issues**

Be aware that if your editor or publisher ever intersect with your official duty work, then you will have appearance issues. When you sign a publishing contract you have a business relationship with the editor/publisher. Because of this, you have a “covered relationship” with them during your contract under the impartiality standards and a one year “cooling-off period” after you complete your activities on this project. For example, if you have no further obligations once you turn in your work – let’s say that you submit the work in July 2011 – then you cannot work in your official capacity on anything that involves the publisher or the editor for one year, or until July 2012. In the unlikely event your work does intersect – most likely through an invitation to officially speak at a conference – consult with me, your Deputy Ethics Official. Do not work on the matter until you have discussed the matter with me.

Furthermore, you should be sensitive about how the final product will intersect with your official duties. For example, if this book will become the go-to book for discussing climate change in the world, you should be aware that there may be ethics issues should you recommend that EPA purchase the book, or if you are asked to review the book for use within the EPA or the Federal community.

## **Publication Agreement**

Finally, here are some tips to consider when you sign a publication agreement.

- Be sure to sign the agreement in your personal capacity without reference to your government position
- For intellectual property purposes, you personally or the publisher will own the copyright on this chapter – NOT the government.
- Can you accept copies of the book? Or discounts provided by the publisher? See the section regarding compensation for these answers.

## **Outline of Proposed Articles or Book on the Impact of Global Warming on Israel**

### Chapter 1: Climate change throughout history (5%)

- Recent advances in scientific techniques for determining paleoclimates.
- How climate change affected humans from the migration out of Africa 110,000-140,000 years ago to the fall of the Roman Empire, the French Revolution to the recent genocide in Rwanda.

### Chapter 2: Climate change in Israel and the Middle East leading up to and during ancient times. (5%)

- Israel's historic climate and why and how it has varied.
- How climate changes changed human history in Israel and the Middle East before, during, and after ancient times.

### Chapter 3: Global warming (20%)

- Climate and what determines it
- Causes of global warming
- Current impacts of global warming
- Proof that human activities are causing global warming
- Future impacts of global warming

### Chapter 4: Israel's climate and how it is changing (30%)

- Israel's climate and what determines it:
  - Global: Hadley cells
  - Regional: Mediterranean
  - Local:
- How Israel's climate is changing
  - Heat
  - Precipitation
  - Extreme weather
  - Sea level rise

## Chapter 5: Impact of climate change on ecosystems in Israel (40%)

- How global warming may affect the ecosystems in Israel, including plant and animal life
  - Desertification and salinization
  - Impact on biodiversity

**{In Archive} your writing activities - ethics guidance**

Jennie Keith to: **EK6**

06/29/2011 11:59 AM

Cc Jennie Keith

Archive: This message is being viewed in an archive.

H: **EK6** ,

Good talking to you on the phone just now. A university in India plans to publish papers you have written on your own as a private citizen. These papers discuss environmental law and policy. You have spent a year writing these papers on your own time, doing your own research, using publicly available information. You will not receive any compensation. The papers are ready for submission and you need some guidance regarding disclaimers. Please see the following section below.

Please do not hesitate to contact me regarding any guidance presented below.

Regards, Jennie

202-564-3412

**Potential Misuse of Position Issues for Outside Writing Activities**

**Use of EPA title and position**

One of principles we commit to uphold as public servants is that we will not use our public office for our own private gain or for the gain of others. Therefore, as executive branch employees, we cannot leverage our official government jobs to promote our outside activities, which include inappropriately referencing our official titles. There are a few exceptions to this rule and the following discusses the context in which you may reference your official EPA position. To view the actual regulation about this area, please see [5 CFR 2635.807\(b\)\(2\)](#) and [5 CFR 2635.702](#).

**The Author Byline (e.g. **EK6** , U.S. Environmental Protection Agency\*)**

How do you identify yourself in the writing activity? May you use your EPA affiliation? The good news is that you may choose to use your EPA affiliation, BUT, you must use a reasonably prominent disclaimer.

**Required Disclaimer**

“This work is not a product of the United States Government or the United States Environmental Protection Agency, and the author is not doing this work in his governmental capacity. The views expressed are those of the author only and do not necessarily represent those of the United States or the U.S. EPA.”

**Requirements for disclaimer language**

OGC/Ethics suggests that you use this disclaimer as it's clear about the status of your writing. However, if you choose to alter it, the disclaimer must be clear about the following three items: 1) you must be clear that you are not writing in your official capacity, that this is a personal activity; 2) the writing does not

belong to the U.S. Government; and 3) that you are expressing your views only and you are not representing the EPA. The disclaimer must include these three items because you cannot confuse your readers. You do not want to give the impression that you are writing in your government capacity or that the government sanctions your work. Readers need to understand that your work does not implicate the government in any way whatsoever. We in the ethics office provide the prudential advice of “avoiding confusion.” The purpose of the disclaimer is to do just that.

What does “reasonably prominent” mean?

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**The Author Biography**

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**Is a disclaimer required?**

Even if your byline does not identify you with your EPA affiliation, is a disclaimer a good idea? My position is that disclaimers never hurt and can be a good idea. If you decide to include a disclaimer when it is not required, I strongly recommend that you use the disclaimer provided above or closely hew to it. Of course, if you do not reference your EPA affiliation at all, then no disclaimer is necessary.

{In Archive} Re: Requesting OGC Ethics approval of pro bono work 

Jennie Keith to: *EXB*

05/10/2011 07:12 PM

Archive.

This message is being viewed in an archive.

*EXB* this will be okay so long as you are not representing clients back before federal government employees or agencies. This seems like it will remain at the *EXB* local level - great! But when you attend the training, can you ascertain whether it's conceivable that volunteers represent cases before federal employees? Is it conceivable that cases are ever discussed with the local US Attorney Office? or the DOJ office responsible for domestic violence and family law?

I'm referencing 18 USC 205 - a very broad criminal representation prohibition - you cannot represent third parties back before the US Government. This goes so far as to consulting with federal government attorneys about cases.

My recommendation - take the training, get an idea of the scope of a volunteer's involvement with Federal officials (I think there's very low possibility). After the training, submit a formal request for prior approval. Part of your request should discuss the possibilities of interacting with federal officials. Your request can be done through email and you'll need to cc Steve as your supervisor. Here's the quick tip on requesting prior approval: [http://intranet.epa.gov/ogc/ethics/outside\\_activity.htm](http://intranet.epa.gov/ogc/ethics/outside_activity.htm)

You are definitely able to do this - but let's be sure there are no issues under 18 USC 205.

Thanks!

Jennie

202-564-3412

*EXB*

Hi Jennie - I would like to engage in pro bono w...

05/05/2011 09:41:46 AM

From: *EXB*  
To: Jennie Keith/DC/USEPA/US@EPA  
Date: 05/05/2011 09:41 AM  
Subject: Requesting OGC Ethics approval of pro bono work

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Hi Jennie -

I would like to engage in pro bono work for the *EXB* bar. A description of the work and training is below:

### **Family Court Self-Help Center Volunteer Training Session**

Time: Friday, May 13, 2011 from 1:00 pm to 5:00 pm

Description

The *EXB* Family Court Self-Help Center provides volunteer attorneys an opportunity to assist pro se litigants with matters in the Domestic Relations and Paternity & Support Branches of the Family Court of *EXB* Superior Court.\* This is a great opportunity for attorneys to provide direct pro bono legal services to individual pro se litigants while making a predictable time commitment. No particular expertise is required; training is provided and a family law expert from the Family Court Self-Help staff is on-site during every session.

This training is appropriate for attorneys only. (Membership in any state's bar will suffice). Malpractice insurance is not provided by *EXB* Superior Court or the *EXB* Bar Pro Bono Program to attorneys who volunteer at the Family Court Self Help Center.

Contact

Pro Bono Program *EXB*

I will take annual leave to attend the training class and to conduct the pro bono work. Please let me know if this is OK.

Thanks,

*axb*

Attorney-Advisor  
Civil Rights and Finance Law Office  
EPA Office of General Counsel  
Room 7514D ARN  
202.564.2560 (phone); 202.564.5416 (fax)  
Mail Code 2399A

{In Archive} Re: question re aba activity 

Jennie Keith to. *EX 6*

01/31/2011 07:08 PM

Archive

This message is being viewed in an archive.

*EX 6*

Thanks for bringing this to my attention!

No, this does not need prior approval. However, under proposed revisions to the supplemental ethics regulations, this activity would require prior approval. And here's why.

You can either answer this via email or we can chat, but we do need to examine whether the subcommittee chair activity would conflict with your official duties. Also, in the ethics world, there's been substantial discussion about professional association activities, and based on our conversation, we should discuss whether we should analyze whether it's more appropriate for you to do this as official duty activity.

Here's the crux of the discussion. To what extent do you think the chair position will intersect with the duties you perform for EPA? What studies, recommendations, or other subcommittee activity will you conduct during your proposed tenureship? How does that affect what you do at EPA? Is EPA policies at all involved in the activities of the subcommittee? Based on what you will do as chair, to what extent do you think it's appropriate for an EPA employee to be the chair (as opposed to doing this activity in your own private capacity)?

Let's think about these and discuss.

Best, Jennie  
202-564-3412

*EX 6*

Hi, Jennie - In the past I've had approval for part...

01/28/2011 12:53:13 PM

From: *EX 6* JC/USEPA/US  
To: Jennie Keith/DC/USEPA/US@EPA  
Date: 01/28/2011 12:53 PM  
Subject: question re *EX 6* activity

---

Hi, Jennie -

In the past I've had approval for participating in the *EX 6* Section on *EX 6* *EX 6*, where I was a vice-chair of one of their many committees, the International Environmental Law Committee. (but not on the Council, which is the entity that really runs the *EX 6*). The committee organizes occasional panels, puts out a newsletter, etc. They want to bump me up from vice-chair for programs to co-chair of the committee. Does this require a new ethics approval as a new outside activity? (or do I need a new one b/c its a new year?)

Thanks,

*EX 6*

International Environmental Law Practice Group  
EPA Office of General Counsel  
Tel. 202-564-5411

**{In Archive} Ethics Advice for Your Outside Activity (David Wright)**

Jennie Keith to: **EX 6**  
Cc Tracey Bradish, Justina Fugh, Jennie Keith, Christopher Grundler  
Archive. This message is being viewed in an archive.

08/28/2009 10:06 PM

Dear **EX 6**

This email summarizes the advice that OGC/Ethics provided to you regarding your proposed outside activity as a conference speaker through the **EX 6**

In your personal capacity, you serve as the **EX 6** / Program Director for the non-profit organization, **EX 6** and you also serve as a Commissioner for the **EX 6** Commission, a non-partisan citizens board that makes recommendations to the **EX 6** city council. Your work with these organizations has centered around creating options for regulated utility customers to purchase renewable energy.\* As you explained, regulated utility customers in Michigan do not have an option to purchase energy, only renewable energy certificates with premium payments. In relation to your work with these organizations, a senior energy analyst with the **EX 6** Laboratory has contacted you and asked you to participate on a session panel discussing consumer issues at the 2009 Renewable Energy Markets Conference in Atlanta on September 14, 2009. You have sought ethics advice as to whether you may participate as a panel speaker and accept travel expenses.

The conference is sponsored by several organizations, two of which are government agencies - the EPA Green Power Partnership and the Department of Energy. There will be attendees who are government officials, however, there are no government officials participating on the panel. In addition, you will be taking annual leave to perform this activity and you will not be referencing your EPA position because as you stated, your volunteer activities do not relate to your EPA work.

In your EPA capacity, you work as a research and development engineer in the National Vehicle and Fuel Emissions Laboratory. Through you and Tracey Bradish, we have established that there is no nexus between your work for the EPA and the volunteer work you do in your personal capacity. In addition, you have taken great care not to associate your volunteer activities with your EPA position, primarily because they have nothing to do with your work.

This email confirms that you may speak in your personal capacity as a session panelist at this conference and that, as proposed, your activities do not implicate any ethics laws or regulations.

Please see below for a more complete discussion of the ethics rules we discussed. If you have any additional questions, please do not hesitate to email or call me.

Have a great trip!

Best, Jennie

## 18 USC 205

This criminal statute prohibits Federal employees from representing private interests before the Government - more specifically, the law prohibits you from acting as the agent or attorney of a private party before the Government in connection with a particular matter in which the United States is a party or has a direct and substantial interest. This prohibition applies whether or not the you receive compensation for the representation. In addition, this statute applies to Federal employees making representations to all government agencies, not just their own employing agencies.

OGC/Ethics has determined that your proposed activity does not rise to the level necessary to trigger the criminal statute because you are not engaging in a specific party matter or a covered matter in which the US has a direct and substantial interest. It does not matter that you may hold personal opinions about Renewable Energy Credits are different than the official position held by EPA. In supporting this conclusion, we note that the subject of your session panel is a matter (not even a particular matter), *Green Power Marketing Costs and Transparency: Finding the Right Balance*; there are a large number of conference attendees - a significant proportion who are not government employees; and there are no government employees on the panel. Furthermore, we liken this activity as akin to providing comments in response to a proposed rulemaking, similar to the court case *Van Ee vs. EPA* (see attached).



VanEe.doc

**CAUTION:** Due to your outside positions, you have express authority to act on behalf of the Ecology Center and the Energy Commission, and as such, you do need to be concerned where your activities on their behalf do intersect with the Federal government. As we have discussed your activities to date, thus far, none of those activities have risen to the threshold this statute requires to trigger it. However, for example, if your organizations decide to more directly influence either EPA's or DOE's (or any other Federal agency) policy with respect to renewable energy credits - through personal meetings or through personal bi-lateral email dialogue, and you are representing the organizations in those communications, this activity gets much closer to triggering the statute and we highly advise that you discuss your activities with Tracey Bradish or Chris Grundler and/or OGC/Ethics before engaging in them.

### Misuse of Position

Due to your conscientious separation between your EPA work and your personal volunteer activities, OGC/Ethics was able to clearly and happily establish that your proposed activity did not implicate any misuse of position rules. Typically, similarly proposed activities have presented very problematic misuse of position issues, especially when one of the conference cosponsors - EPA Green Power Partnership office - is located within the same agency component, the Office of Air and Radiation, as your laboratory. However, as we discussed, you do not interact with this program or its employees and you do not have access to its internal

information because the areas of focus between these two divisions are completely different.

Furthermore, often misuse of position issues deal with the public perception that Federal employees may have, or be perceived as having, access to official information available in other parts of the agency which would enhance their value as a speaker. Moreover, employees are likely to be perceived as an official of their agency when speaking about its policies, programs, or operations - even with the use of a disclaimer, it may not dispel the appearance that they are conveying the agency's perspective. With either of these concerns, you have demonstrated that the invitation to speak on the panel was offered because of your outside activities - the session host specifically invited you because of your work with these outside activities. At one point we discussed that the session host did not know that you worked for the EPA, therefore, OGC/Ethics has no concern that you were invited to speak because of your agency position. In addition, the session panel does not necessarily focus on specific government policy and as there are no Federal government speakers we have no concern that you are conveying EPA's perspective and that session attendees would not have this perspective. Finally, we also established that you do not have access nor do you regularly interact with program officials in the EPA Green Power Partnership program. Therefore, this discussion resolves our most serious concerns about misuse of position.

You may, if you like, reference your official position and title as one of several biographical details in accordance with 5 CFR 2635.807(b)(1). However, as we discussed, you have no intention of doing so because your volunteer work does not relate to your EPA work and there is no need to establish that you work for the agency.

In the situation where you may be asked about your employment, certainly you may respond that you work at the agency, but we advise that you couple that with a disclaimer that you're not here representing the agency and nor are you representing its position.

### Gifts of Travel

The session host has offered to pay for the conference registration fee and one night of lodging. At this time, it's not clear whether the company that operates the ~~EX-6~~ Energy Laboratory is paying for these travel expenses, however, the following discussion does not require that we establish this fact. Additionally, at the time of our discussions, you were also seeking whether the ~~EX-6~~ or the ~~EX-6~~ would be able to pay for other travel expenses.

Generally, federal employees are prohibited from soliciting or accepting gifts given because of their official position or given by a prohibited source - typically a person either regulated by or seeking to do business with the EPA, or someone who is seeking official action by the agency. When we analyze who is a prohibited source for the EPA, we look at an agency-wide perspective, not just whether it's a prohibited source for the employee concerned.

Given the nature of the business of ~~EX-6~~ Laboratory, it's likely that the contractor operating the facility ~~EX-6~~ is from time-to-time a

prohibited source for the EPA. Therefore, EPA employees would not be able to accept gifts from the **EX 6** unless there's an applicable gift exception. The gift exception at 5 CFR 2635.204(e)(2) allows employees to accept gifts from prohibited sources when it's based on outside business or employment activities and it's clear that these benefits have not been offered because of your official status. As we have established in this discussion, this gift exception is clearly applicable to your circumstances. Furthermore, if either the **EX 6** or the City of **EX 6** are considered prohibited sources, this gift exception would apply as well.

As a side note, if none of these organizations are prohibited sources for the agency, then the gift rules don't apply and the result is the same - you would be able to freely solicit and accept the travel expenses.

### **Financial Disclosure Reporting Requirements**

We confirmed in our conversation that you do not file the OGE Form 450 - the confidential financial disclosure form that certain agency employees complete and turn in to ethics officials every February 15.

However, if you did file this form, you would report these travel expenses as gifts under the appropriate part of the form because they were personal gifts to you. Disclosing these as gifts fulfills the form's reporting requirement - it doesn't mean they're prohibited gifts!

Jennie Keith  
Ethics Specialist  
OGC/Ethics

---

Environmental Protection Agency  
Room 4413 Ariel Rios North  
202-564-3412  
keith.jennie@epa.gov

{In Archive} Re: Questions on ethics rules on editing 

Jennie Keith to: EXB

01/07/2011 08:08 PM

Cc. Daniel Fort, Justina Fugh, Andrew Gillespie, Jennie Keith

Archive

This message is being viewed in an archive.

Hi EXB I meant to keep the email thread on this and accidentally deleted it. Here's the advice again, with your email below. Thanks! Jennie

Hi EXB

I am writing to share OGC/Ethics' thoughts regarding the question of whether you can be compensated for editorial duties associated with the book, EXB

. Employees are generally prohibited from receiving compensation for writing that is "related to official duties." However, federal ethics regulations permit career employees to accept compensation for writing on a subject matter that is within their discipline or inherent area of expertise even though the writing deals generally with a subject within an area of the Agency's responsibility.

You indicate that you had been approved in the past by your then-Deputy Ethics Official to receive compensation for similar outside work, but that question may not have been raised to this office for concurrence. Your current Deputy Ethics Official, Andy Gillespie, indicates that he believes the work you contemplate relates to your official duty and has said that this work could be assigned to you as part of your official duties. You seek our advice as to whether there is any possibility that you can be paid for your editorial duties.

I have carefully reviewed the questions you raised below. This response answers your questions and also provides more context about our analysis.

### **The fundamental question: compensation or no compensation**

The core question is whether you can be **compensated** for doing this activity as an outside activity. Criminal statute and misuse of position rules prohibit you from being compensated for activities "related to official duties." A basic principle of public service ethics prohibits us from using our official position for our own private gain, so the criminal statute, 18 USC 209, and the misuse rules found in the Standards of Ethical Conduct at 5 CFR 2635.807 (*Teaching, Speaking, and Writing*) do not permit compensation for teaching, speaking, or writing that *relates to official duty* (more on what it means to be related to official duty is found below).

If you do not want to be compensated, then your request becomes an outside activity request which Andy indicates he can approve. The issue here is whether you can be compensated, NOT whether you can do the work.

### **Is editing implicated in teaching, speaking, or writing?**

The Office of Government Ethics (OGE), the independent Federal agency that interprets the

Standards of Ethical Conduct, has considered whether editing is subject to the *teaching, speaking, and writing* (TSW) rule. OGE has distinguished between substantial editing versus mere technical editing. In its comprehensive guidance document on the ethical implications of book deals, OGE addressed this issue specifically:

OGE has drawn a distinction between substantive writing and editing that qualify as writing, versus proofreading and copy editing which do not. Any activity, such as substantive editing or writing that changes or modifies the content of a written product or publication, is considered writing under the rule. Proofreading and copy editing such as changing formatting, or correcting spelling, grammar and punctuation generally do not change the meaning of the content of a writing or publication and therefore do not qualify as writing under section 2635.807.

Compensation for non-substantive proofreading and formatting is permissible while in Government service, because such activities are not considered "writing." However, if an employee requests permission to make any types of changes to a book that is related to his official duties, you should consult with OGE about how to advise the employee.

See [http://www.usoge.gov/ethics\\_guidance/daeograms/dgr\\_files/2008/do08006a.pdf](http://www.usoge.gov/ethics_guidance/daeograms/dgr_files/2008/do08006a.pdf) at page 17.

We discussed your editing activities on our conference call in November 2010. Our recollection is that your editing activities will consist of reviewing chapters submitted by authors to make sure they are of good quality, but you indicated you would not be substantively editing them. However, you also indicated that you intend to write parts of the introduction of the book as well as provide contextual commentary before each chapter and/or section of the book. Therefore, I believe that your contemplated activities as explained by you do meet the test for "writing" under the Standards. The next step is to analyze whether your editing activities are "related to your official duties" such that you could not receive compensation for them.

### **Discussion of "Related to Official Duties"**

There are several provisions in the Standards that discuss what it means to be "related to official duties." The primary focus of our conversation is whether "the subject of the activity deals **in significant part** with **any matter** to which you are presently assigned or to which you had been assigned during the previous one-year period." (emphasis added).

It is important to note that this restriction includes the term "matter," which is "virtually all-encompassing with respect to the work of the Government and covers even the consideration or the adoption of broad policy options that are directed to the interests of a large and diverse group of persons." See DAEOgram DO-06-029,

related to official duty

-- Chapter 22: Government Activities - US & International (your work at EPA and any other liaison work with other federal agencies, ISO standards, and UNEP/SETAC committee (if you participate), and your recent Japan travel)

**Ethics interpretation** - this chapter could be related to official duties if the chapter discusses at length any of the above activities

-- Chapter 26: Emerging Applications: Nanotechnology (you have an entire section on your research activities devoted to Nanotechnology)

**Ethics interpretation** - since this is an emerging area, it seems like the research you do would be substantial enough such that this chapter would be related to your official duties

-- Chapter 27: Sustainable Energy / Biofuels (you prepared an article on biofuels and you're an advisory committee member for the University of *EX 6* "Sustainable Pathways to Achieving Biofuel Policy Goals")

**Ethics interpretation** - this chapter seems related to your official duties because you advise on overall policy goals - it seems like this chapter will have to include a discussion of these

policy goals even though it may be through the context of a particular example that you did not work on. Because you advise in this area, this is a matter related to your official duties.

-- Chapter 32: Sustainable Mining / Materials Management (for brief moments, your work included hydraulic fracturing and oil dispersants)

**Ethics interpretation** - if the material in this chapter covers your research activities in this area, this could be a problem

I highlighted the chapters where I could immediately perceive a nexus to your official duties, taking into consideration the expansiveness of the term "matter" (discussed above). Because I don't know enough about what you do, I also wonder whether chapter 7 (carbon footprinting), and chapters 9-11 (different LCA analyses) are related to your official duties. It seems that in the LCA world, as an "impact category," the carbon footprinting chapter would be related to the global warming impact category and I wonder to what extent your official duties include advising on the use of the global warming impact category. With respect to chapters 9 through 11, the 2006 EPA report discussed "Attributional" versus "Consequential" LCA; my best guess is that is that these chapters discuss different methods of conducting an LCA. Still, I expect that your EPA job includes discussing different methodologies in conducting an LCA.

In our November discussion of "related to official duties," the focus was on similarities of example 2 in the TSW rule: an NIH employee who researches the development of cancer and is editing a textbook on the treatment of cancers. The distinction that I see in this example is that cancer development and treatment are actually different subjects. In a prior email to me, you wrote that the book "is designed to be a closer examination of specific aspects of LCA methodology and application through examples" (October 25, 2010). Instead of being a different subject, the book seems to drill down in further detail on what you work on. The book seems

like it would necessarily cover different methodologies and applications - dealing with the issue generally and conceptually - then use case studies to show examples of the methodology or application. Even though you did not work on the specific examples, the book will cover these concepts generally and the content does not seem that far removed from the expertise and advice you presently provide. I echo Andy's thoughts about the determination, e.g. if the content in the book largely mirrors the 2006 report (although it's more fully detailed and illustrated with examples), AND what you *currently* do for EPA is to advise on the contents of that 2006 report, then it seems to be related to official duty.

The more prominent you are in your field, the harder it is to separate your editing activities from your official duties. Also, one point that we did not discuss in great detail was the option to edit this book as part of official duty. Andy suggested this path as it seemed to fit within the scope of your work. If this is true, then making a distinction that the book is NOT related to official duty is even harder to sustain.

### **Options for resolution**

#### **(1) You are assigned the work as part of your official duties.**

Your supervisor would have to assign you to this work, and OGC would have to review the publication agreement.

#### **(2) You do the work in your personal capacity, but agree not to be compensated.**

This remains an outside activity, and under these conditions, Andy could approve the request.

#### **(3) You agree to severely restrict your editing activities.**

You confine your editing activities to mere technical aspects, like proofreading and copy editing and activities that do not change the meaning of the written product. This type of editing is **not** subject to the TSW rule and as long as you follow this, you may be compensated. You could not write any substantive portions of the book, nor could you substantively edit the chapters provided by the other authors.

#### **(4) You appeal this determination that the activity is related to official duties.**

To pursue this appeal, you will have to provide additional information.

What makes the book essentially a different subject from what you do at EPA? At dispute was example 2 - the topic "Cancer." Conceptually, I understand that cancer is a broad topic. It's easy for me to understand that there's a difference in subjects when one writes on cancer development versus cancer treatment. I need to be able to see this distinction in your book. The section headings in your book, the "Benefits of LC Thinking," "LCA Methodology" and "Using LCA to Make Decisions" and many of those chapters all seem related to your past and present duties. If you have more chapter-by-chapter details you can provide, please do so. In the end, you need to

be able to convince ethics officials that the proposed book is a different subject that applies your general area of expertise. Or you modify the content of the book so that it is not related to official duty.

Another option would be to persuade OGC/Ethics that the book "does not deal in significant part" with your official duties . . . meaning that a certain number of pages may be related to your official duties, but the overall book is not.

We will need to quantify the phrase, "does not deal in significant part with." In the TSW rule, example 2 says that the NIH researcher may include "a chapter, among many other chapters, which discusses the molecular basis of cancer development." An SEC employee in example 4 is writing a book and she can be paid even though the book includes an incidental discussion of any program or operation of SEC. In Example 6 - about an EPA employee - the regulations say that a history book about the environmental movement may contain brief references to the creation and responsibilities of EPA. OGE has said, "Therefore, the NASA employee described above could receive compensation for writing a book on aeronautics containing a single chapter discussing aspects of the space shuttle program, provided that the information described is available to the public" (emphasis added).

While we do not know the amount that would kick the content over the "in significant part" threshold, we anticipate that OGE would agree that more than 30% of content directly related to official duty would be a problem.

If you want us to pursue quantifying the content in the book, we will need more information about the book that clearly distinguishes your official duties from the book's contents. As it stands right now, we believe the threshold for "deal in significant part" has already been met. Can you provide additional details to this threshold such that we can credibly say that the book does not deal in significant part with your official duties? We also need to understand the precise nature of your editing activities. In order to also say that your editing activities do not deal in significant part with your official duties, you will need to refute our assumption that your editing activities are substantive. Will you direct an author to change the substance of her chapter if it does not meet your standards? What standards will you use when judging the chapter's quality?

### **Conclusion**

I want to emphasize that ethics restrictions do not prohibit you from editing the book or engaging in outside activity. The sole issue relates to compensation. In November, we said that we would confer with OGE, but the comprehensive review of the information we already have has led us to conclude that you cannot be compensated. If you choose to appeal our decision by providing us with additional information, and we're still not able to definitively conclude this issue, then your information will help present the question to OGE. Thank you for being patient and I do apologize for the time it took to compose this response. I hope the thought that we have put into this response shows how serious we approach your circumstances and how much we appreciate the situation.

Look forward to hearing from you.

Best, Jennie for OGC/Ethics

Jennie Keith  
Ethics Officer  
OGC/Ethics

Environmental Protection Agency  
Room 4413 Ariel Rios North  
202-564-3412  
keith.jennie@epa.gov

*EX6*

Hi Jennie - Is editing a book viewed differently u...

12/08/2010 08:55:37 AM

From: CI/USEPA/US  
To: Jennie Keith/DC/USEPA/US@EPA  
Cc: Daniel Fort/DC/USEPA/US@EPA, Justina Fugh/DC/USEPA/US@EPA  
Date: 12/08/2010 08:55 AM  
Subject: Questions on ethics rules on editing

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Hi Jennie -

Is editing a book viewed differently under ethics standards than editing a journal (that is, serving as an editor)? I am wondering because I serve as a subject editor and as an associate editor for 2 journals, and I know *EX6* is Editor in Chief of a journal. In our teleconference, I heard that editing is considered the same as writing. But I did not hear any differentiation in kinds of editing. Is there a difference? Isn't editing editing?

Also, can you clarify for me if the issue of being compensated is the deciding factor for if I can edit the book or not? Or, do the rules apply whether or not I am compensated? I have had to request approval for outside employment for unpaid positions that I hold for different outside groups (like *EX6*). So now I wonder if the question is actually whether I can serve as editor outside of my official government duties and not whether I can receive compensation for it.

Let me know if any progress has been made in elevating my question on the book editorship. Thanks for your help.

*EX6*

+++++

*EX6* , PhD  
Manager, Life Cycle Assessment Research Center  
US EPA Office of Research and Development  
26 W. Martin Luther King Drive (MS-483)  
Cincinnati, Ohio 45268 USA

Subject Editor (Cleaner Production Tools)  
Journal of Cleaner Production  
< <http://www.elsevier.com/locate/jclepro> >

Voice: +1-513-569-7782 Fax: +1-513-569-7111

Email: *Exb*

I've heard of this game - is it like the one on Car Talk on NPR?

I am out next week but my EA will contact Jennie to reschedule. Looking forward to the questions.

Our web page on LCA is <http://www.epa.gov/nrmrl/lcaccess/index.html> , is this the kind of thing you are looking for? General background on LCA?

Andrew J. R. Gillespie, Ph. D.  
Deputy Director, National Risk Management Research Laboratory

Jennie Keith      Hi Andy, The OGC/Ethics team would further lik...      10/21/2010 06:47:26 PM

From: Jennie Keith/DC/USEPA/US  
To: Andrew Gillespie/CI/USEPA/US@EPA  
Cc: Daniel Fort/DC/USEPA/US@EPA, Justina Fugh, leazer.john@epa.gov, *Exb*  
CI/USEPA/US@EPA, Michael Gonzalez/CI/USEPA/US@EPA  
Date: 10/21/2010 06:47 PM  
Subject: Re: book editing compensation issue

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Hi Andy,

The OGC/Ethics team would further like to discuss this issue with you and *Exb* . Further information will be helpful - are there additional websites (internet/intranet) or documents that are helpful? We'll also compile a list of questions so we can get more specific. I'll send out a scheduler notice for a teleconference call to take place next week.

Thanks for playing our favorite game of stump the ethics official!

Be in touch soon, Jennie for OGC/Ethics  
202-564-3412

Andrew Gillespie      Hi Jennie - as discussed, here is a writeup on th...      10/19/2010 03:38:53 PM

From: Andrew Gillespie/CI/USEPA/US  
To: Jennie Keith/DC/USEPA/US@EPA  
Cc: *Exb* CI/USEPA/US@EPA, Michael Gonzalez/CI/USEPA/US, leazer.john@epa.gov,  
Daniel Fort/DC/USEPA/US@EPA, Justina Fugh  
Date: 10/19/2010 03:38 PM  
Subject: book editing compensation issue

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Hi Jennie - as discussed, here is a writeup on the request and my determination of ineligibility for compensation. But I would be happy to defer to the expertise of OGC and learn from the experience if I have interpreted too narrowly.

I also include outline of the proposed book, and a copy of Dr. *Exb* CV.

Looking forward to your advice, and please let Dr. <sup>EXB</sup> [redacted] know if you would like more information or a discussion.

Thanks, Andy

[attachment "book deal revised.doc" deleted by Jennie Keith/DC/USEPA/US]

[attachment "Proposed Edited Book\_Life Cycle Assessment\_ <sup>EXB</sup> [redacted] \_September 2010.doc" deleted by Jennie Keith/DC/USEPA/US] [attachment "CV and Pubs through Jan 2008.doc" deleted by Jennie Keith/DC/USEPA/US]

Andrew J. R. Gillespie, Ph. D.  
Deputy Director, National Risk Management Research Laboratory

Note to the file – Request for outside employment b7c EX b  
AJR Gillespie, NRMRL DEO

Dr. EX b has requested outside activity approval to serve as editor of a book on Life Cycle Assessment (Attachment A: proposal for a book “Life Cycle Assessment: a Guide for Environmentally Sustainable Products”.) She proposes to do this on her own time, not using Agency resources, and in conformance with all applicable rules regarding outside employment. She is requesting approval to receive compensation for this work via a contract with a publisher that would pay her royalties.

Dr. EX b's Justification for Outside Employment:

Dr. EX b believes she is eligible to receive compensation. While she agrees that LCA is a significant part of her past and current official duties, she believes that the issue is not whether or not the topic of the book is the same as her official duties, but rather how the topic is approached in the book. Specifically she states that the subject matter of the book is not her personal research findings, but rather a broader selection of findings from experts in the field who will author different chapters, and, therefore, this does not involve a matter to which she is presently assigned. She states that the book does not deal with EPA's LCA program specifically, but with the broader field of LCA generally. Furthermore, she asserts that, because of this distinction, she will not be prevented from continuing to serve as the Laboratory's expert in LCA and fulfilling her functions while she works on editing the book .

She cites as relevant the example 2 from 5 CFR 2635.807 regarding an NIH scientist to support her case:

*Example 2:* A scientist at the National Institutes of Health, whose principal area of Government research is the molecular basis of the development of cancer, could not be compensated for writing a book which focuses specifically on the research she conducts in her position at NIH, and thus, relates to her official duties. However, the scientist could receive compensation for writing or editing a textbook on the treatment of all cancers, provided that the book does not focus on recent research at NIH, but rather conveys scientific knowledge gleaned from the scientific community as a whole. The book might include a chapter, among many other chapters, which discusses the molecular basis of cancer development. Additionally, the book could contain brief discussions of recent developments in cancer treatment, even though some of those developments are derived from NIH research, as long as it is available to the public.

Dr. EX b believes she is like the NIH worker, working in a subset of the LCA field which is only a small component of the larger LCA field, and that the book in question addresses the larger field and is not limited to her specific past contributions or EPA's LCA program.

DEO's Interpretation:

I agree that Dr. EX b has received this opportunity because of her international recognition as an expert in LCA, and not because of her official position. It is my opinion that, while she would be eligible to perform this work as an outside activity with suitable safeguards to keep this separate from her official duties and capacity, she is not eligible for compensation because the subject of the book is too closely related to her official duties (5 CFR 2635.807).

Specifically, I believe that the proposed outside activity relates to her official duties because the writing will deal in significant part with a "... matter to which the employee is presently assigned or to which the employee has been assigned during the previous one-year period." (5 CFR 2635.807(a)(2)(i)(E)(1))

Dr. ~~EXB~~ is an internationally recognized expert in Life Cycle Assessment (LCA), has edited a book on the subject in 1996 and written numerous scientific articles since. A significant – perhaps the primary – part of her work assignment in recent years has been the development of LCA principles and the application of those principles to environmental management problems. From her CV:

Dr. ~~EXB~~ directs the System Analysis Branch's Life Cycle Assessment (LCA) research program which includes the development of LCA methodology, the performance of life-cycle case studies, life-cycle workshops and conferences, and the development of a life cycle data and resources website ([www.epa.gov/ORD/NRMRL/lcaccess](http://www.epa.gov/ORD/NRMRL/lcaccess)).

It is my opinion that her past and current work in the LCA field is 'a matter' and that there is a significant degree of overlap between that 'matter' and the subject of the proposed book. For this reason, I believe that the proposed writing deals significantly with a "matter to which the employee is presently assigned or to which the employee has been assigned during the previous one-year period" and thus she is not eligible for outside compensation.

In my view, in Dr. ~~EXB~~'s case, the degree of overlap between her area of work and the subject of the book is substantial. The LCA field itself is fairly specialized, but within that field Dr. ~~EXB~~'s work has been broad and far ranging. She has been a pioneer in the field, writing broadly and generally on the topic of LCA environmental methods, techniques, principles, and applications (e.g. 'Life Cycle Assessment: Principles and Practice', an EPA report published in 2006). The proposed book is to be a comprehensive reference on LCA (500-600 pages, 30 chapters), updating her 1996 textbook where needed and going beyond that to address the current state of the practice, future directions, "how-to" aspects of the technique, and the connection between LCA thinking and sustainability. This seems to cover much of the same ground as has been covered by her work assignment.

Therefore I reject the view that the subject of the book does not deal in significant part with a matter to which the employee is presently assigned or has been assigned during the previous one year period, and judge that Dr. ~~EXB~~ is ineligible for compensation for editing the book.

#### OTHER CONCERNS:

1. ORD/NRMRL is increasing investment in LCA expertise, hiring additional staff and expanding our expectations of incorporating LCA into ever more lines of work. If Dr. ~~EXB~~'s work in LCA must be suspended during the time it would take to edit the book, I do not believe it would be in the best interest of EPA for NRMRL to excuse Dr. ~~EXB~~, our lead LCA expert, from working in the LCA field. So I would not support relieving Dr. ~~EXB~~ from working on LCA, waiting a year, and then approving her to edit the book and accept compensation.
2. It might be argued that the 'LCA research program' referenced in the CV is an 'ongoing Agency program' as referenced in 2635.807(a)(2)(i)(E)(2). But I am less sure of this argument, because the use of the word 'program' can mean many things, and this 'program' is not widely recognized outside of her division, i.e. it does not show up in any official organization charts or budgets. It could equally be called a 'research emphasis area'. Therefore I am not considering the LCA work to be an 'ongoing Agency program' for purposes of 5 CFR 2635.807.

August 27, 2010

Proposal to Scrivener Publishing

Book "Life Cycle Assessment: A Guide for Environmentally Sustainable Products"

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editor

**Description:**

Life Cycle Assessment (LCA) is a quickly growing approach to environmental management that assists decision makers in looking holistically at products and processes in order to evaluate the comparative potential cradle-to-grave, environmental impacts of their actions and, thereby, prevent unintended consequences. The LCA tool is designed to assist in the evaluation along the 'value chain' of a product's life from the perspective that the many processes are interdependent, so that decisions made at one point along the life cycle can have consequences elsewhere. LCA enables the estimation of the cumulative environmental impacts, often including impacts that go beyond the boundaries of traditional analyses. By including the impacts throughout the product life cycle, LCA provides a comprehensive view of the environmental aspects and a more accurate picture of the true environmental trade-offs in product or process alteration or selection. Because of the value that taking a life cycle perspective adds, it has evolved to become the cornerstone of environmental sustainability.

The basic methodology behind LCA has roots that go back to 1969, however, a renewed interest in the application of life cycle approaches to environmental management was seen in Europe and the US in the early 1990s. In 1996, I was the editor of one of the first books on Life Cycle Assessment. Published by McGraw-Hill (ISBN 0-07-015063-X), the book was a compilation of works by 18 international authors. It was very well received in the LCA community and has been used by multiple universities as course material. I am often asked by LCA users and practitioners when I plan to update the book. While this proposal aims to update the original text, where needed, it will go beyond the content of that book. The increased interest in LCA has led to its application in many diverse areas. In particular, the connection between life cycle thinking and sustainability goals needs to be emphasized and clarified.

As interest in LCA continues to grow, our knowledge and understanding of LCA methodology and application has developed significantly over the past three decades. In addition to LCA applications, the book will cover many "how-to" aspects of the methodology. While LCA is simple in concept, the details of its practice are complex and still evolving. Researchers are continually coming up with new ways to enhance accuracy and applicability. The chapters on methodology will capture the current state of the practice as well as future direction.

The book will be 500-600 pages in length divided in approximately 30 chapters written by various contributing authors from industry, academia, consultants, NGOs, and trade organizations (no federal employees will be solicited as required by ethics standards),.

The draft outline for the book follows on the next page.

## Draft Outline

Chapter	Subject
Preface	Why this book
	<b>Benefits of LC Thinking</b>
1.	Intro to LCA
2.	Sustainability
3.	Life Cycle Based Tools
	<b>LCA Methodology</b>
4.	Modeling Inventory Data
5.	Modeling the Agri-Food Industry
6.	Sources of Inventory Data
7.	Carbon Footprinting
8.	Impact modeling/Valuation
9.	Exergy/Emergy Analysis
10.	Uncertainty Analysis
11.	Consequential LCA
12.	Software Tools
13.	Simplifying LCA
	<b>Using LCA to Make Decisions</b>
14.	Social LCA
15.	LCIA versus Risk Assessment
16.	Life Cycle Management
17.	International Perspectives on the State of the Practice
18.	Building Capacity in Developing Nations
19.	End of Life Management
20.	PCRs/EPDs
21.	Life Cycle Sustainability Assessment
22.	Government Activities – US & International
	<b>Applications</b>
23.	Product Innovations
24.	Supply Chain
25.	Product Design/Development
26.	Emerging Applications: Nanotechnology
27.	Sustainable Energy/Biofuels
28.	Bioplastics
29.	Site Remediation
30.	Sustainable Chemistry and Engineering
31.	Sustainable Buildings
32.	Sustainable Mining/Materials Management
App	Resources